

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-49107-2025
Reserved on: 01.10.2025
Pronounced on: 31.10.2025

Rajiv Singh @ Happy ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Manju Goyal, Advocate with
Mr. Pankaj Goyal, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
70	18.03.2022	Canal Colony, Bathinda, District Bathinda	307/323/324/341/148/149 IPC (Section 325 added later on)

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail for second time.

2. Per paragraph 17 of the bail petition, the petitioner has no criminal antecedents.

3. The facts and allegations are being taken from the translated version of FIR, Annexure P-1, which reads as follows:

“Copy of statement of, "Statement Vijay Kumar son of Ram Chhatar son of Sarju Parshad resident of Street No. 10, Janta Nagar Bathinda, aged about 21 years, Mobile No: 75088-41743, stated that I am a resident of the above address. I work at HS Sanitase shop near Dr. Mela Ram Road, Bathinda. Today, on 18-03-2022, my brother Ravi Kumar Street Number 9, Near Park Janta Nagar was waiting for his friend on his motorcycle. I was also walking towards to my brother Ravi Kumar. In the meanwhile, I saw Kakri who had kirpan, Goni who had gandasa, Kekra who had ghop, Happy who had handle of the pump, Bawa who had rod, resident of Kheta Singh Basti Bathinda and Akash son of Reddy resident of Tibbe Par Janta Nagar Bathinda who had gandasa and with them were 15/16 other unknown people who had rods/baseball. All of them rounded my brother Ravi Kumar. It must have been around 12:30 PM that Kakari attacked my brother Ravi directly on the left side of his head with the intention of

killing him, Gopi attacked with Gandasa on the left side of Ravi Kumar's neck, Akash attacked with the Gandasa directly on Ravi's left shoulder, Kakari attacked Ravi directly on his left thigh with the kirpan, Happy attacked Ravi Kumar on the back with the handle of the pump. Kakra attacked Ravi on the upper left side of his upper lip with the hilt of the ghop, Bawa attacked my brother Ravi on the back with the rod. My brother Ravi fell on the ground. I went to him to save him, by raising alarm saying marta marta but Kakari hit me with his hand-held kirpan directly on the left side of my head. When Gopi started to hit me with his gandasa, I raised my left hand to protect myself. The gandasa hit my left hand. But when many people started gathering, they all ran away with their weapons. The reason for the enmity is that my brother had a minor dispute with him earlier, that is why they connived with each other and attacked my brother Ravi Kumar with the intention of killing him. First, we took my brother Ravi Kumar to Dr. Mela Ram Hospital for treatment, who then sent him to the Civil Hospital, Bathinda. At the Civil Hospital, my brother Ravi Kumar was given first Aid and his injuries were treated. Then, he was sent to Cosmo Hospital, Bathinda for treatment, where my brother is admitted at cosmo Hospital for treatment. Legal action should be taken against the above-mentioned persons, statement was written, and I heard that it is correct. Sd/- Vijay Kumar the above, my brother Vijay Kumar gave statement before me, I confirm that it is correct Sd/-Ishwar, Ishwar Parsad, verified Sd/- Tara Singh PS Canal Colony Bathinda, Date 18-03-2022.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

*“H. The role of the petitioner.
The injury No.5 (grievous) caused with handle of hand pump is attributed to the petitioner.”*

7. The State's counsel opposes bail and refers to the status report and submits that present petition is not maintainable as the first petition was dismissed on merits and refers to the following judicial precedents.

8. In State of Bihar and Ors. v. J.A.C. Saldanha and Ors., 1979-INSC-235, a three-member bench of Supreme Court holds,

[25]. There is a clear cut and well demarcated sphere of activity in the field of crime detection and crime punishment. Investigation of an offence is the field exclusively reserved for the executive through the police department, the superintendent over which vests in the State Government. The executive which is charged with a duty to keep vigilance over law and order situation is obliged to prevent crime and if an offence is alleged to have been committed it is its bounden duty to investigate into the offence and bring the offender to book. Once it investigates and finds an offence having been committed it is its duty to collect evidence for the purpose of proving the offence. Once that is completed and the investigating officer submits report to the Court requesting the Court to take cognizance of the offence under Section 190 of the Code its duty comes to an end. On a cognizance of the offence being taken by the Court the police function of investigation comes to an end subject to the provision contained in Section 173(8), there commences the adjudicatory function of the judiciary to determine whether an offence has been committed and if so, whether by the person or persons charged with the crime by the police in its report to the Court, and to award adequate punishment according to law for the offence proved to the satisfaction of the Court. There is thus a well defined and well demarcated function in the field of crime detection and its subsequent adjudication between the police and the Magistrate. This has been recognised way back in *King Emperor v. Khwaja Nazir Ahmad* [1944] L.R. 71 IndAp 203, where the Privy Council observed as under:

In India, as has been shown, there is a statutory right on the part of the police to investigate the circumstances of an alleged cognizable crime without requiring any authority from the judicial authorities and it would, as their Lordships think, be an unfortunate result if it should be held possible to interfere with those statutory rights by an exercise of the inherent jurisdiction of the Court. The functions of the judiciary and the police are complementary, not overlapping, and the combination of individual liberty with a due observance of law and order is only to be obtained by leaving each to exercise its own function, always, of course, subject to the right of the Court to intervene in an appropriate case when moved under Section 491 of the Criminal Procedure Code to give directions in the nature of habeas corpus. In such a case as the present, however, the court's functions begin when a charge is preferred before it, and not until then.

[26]. This view of the Judicial Committee clearly demarcates the functions of the executive and the judiciary in the field of detection of crime and its subsequent trial and it would appear that the power of the police to investigate into a cognizable offence is ordinarily not to be interfered with by the judiciary.

9. In *M.C. Abraham and ors. v. State of Maharashtra and ors*, 2002-INSC-575, Supreme Court holds,

[13]. This Court held in the case of *J.A.C. Saldanha (supra)* that there is a clear-cut and well demarcated sphere of activity in the field of crime detection and crime punishment.

Investigation of an offence is the field exclusively reserved by the executive through the police department, the superintendence over which vests in the State Government. It is the bounden duty of the executive to investigate, if an offence is alleged, and bring the offender to book. Once it investigates and finds an offence having been committed, it is its duty to collect evidence for the purpose of proving the offence. Once that is completed and the investigating officer submits report to the Court requesting the Court to take cognizance of the offence under Section 190 of the code of Criminal Procedure, its duty comes to an end. On a cognizance of the offence being taken by the Court, the police function of investigation comes to an end subject to the provision contained in Section 173(8), then commences the adjudicatory function of the judiciary to determine whether an offence has been committed and if so, whether by the person or persons charged with the crime. In the circumstances, the judgment and order of the High Court was set aside by this Court.

10. In G.R. Ananda Babu v. State of Tamil Nadu, [Law Finder Doc Id # 1800715], decided on 28.1.2021, a three-judge bench of Hon'ble Supreme Court holds,

[7]. As a matter of fact, successive anticipatory bail applications ought not to be entertained and more so, when the case diary and the status report, clearly indicated that the accused (respondent No. 2) is absconding and not cooperating with the investigation. The specious reason of change in circumstances cannot be invoked for successive anticipatory bail applications, once it is rejected by a speaking order and that too by the same Judge.

[8]. To observe sobriety, we refrain from making any further observation, except to observe, that the impugned order, to say the least, is perverse; and also because no prejudice should be caused to respondent No.2 and affect the trial against him.

11. In Ramadhar Sahu v. The State of Madhya Pradesh, SLP (Crl) no. 11130-2023, decided on 16-10-2023, while dealing with a bail of an accused who was in custody, held as follows:

[5]. An order for refusal of bail however, inherently carries certain characteristics of an interlocutory order in that certain variation or alteration in the context in which a bail plea is dismissed confers on the detained accused right to file a fresh application for bail on certain changed circumstances. Thus, an order rejecting prayer for bail does not disempower the Court from considering such plea afresh if there is any alteration of the circumstances. Conditions of bail could also be varied if a case is made out for such variation based on that factor. Prohibition contemplated in Section 362 of the Code would not apply in such cases. Hence, we do not think the reasoning on which the impugned order was passed rejecting the appellant's application of bail can be sustained. The impugned order is set aside and the matter is remitted to the High Court. The bail petition of the appellant before the High Court shall revive to be examined afresh by the High Court in the light of our observations made in this order.

12. Petitioner filed petition for anticipatory bail earlier and while rejecting the same, this Court made the following observations:-

"7. Although the injury attributed to the petitioner is with hand pump on the backside of complainant, but it is a case where five accused armed with deadly weapons caused massive injuries on the victim. One injury was received from Kirpan attributed to Kekri on the left side of head, another by Gandasi attributed to Gurjeet Singh on the neck and third attributed to Honey caused with ghop iron on the left Bicep and one by petitioner with the handle of hand pump on the backside. Thus, this Court has to see the cumulative effect of the injuries at this stage of anticipatory bail. It is a serious offence which is grave in nature and if petitioner is not arrested, then it would send a wrong message to the society that people can take the law in their own hands. Any decision to not to arrest Rajiv Singh- petitioner has to be taken by SSP by giving reasons in writing if the SSP decides not to arrest the petitioner and he will have to mention the reasons thereof and how common object or common intention was not being shared by petitioner."

13. Given above, successive petition is not maintainable as the first petition was dismissed on merits, as such the present petition is dismissed. All pending applications, if any also stands disposed of.

(ANOOP CHITKARA)
JUDGE

31.10.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.