

2025:PHHC:163796



219 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

**CRM-M-50530-2025**  
**Date of Decision:20.11.2025**

Sukhbir Singh and another ...Petitioners

## Versus

State of Punjab ...Respondent

**CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY**

**Present:** Mr. Naresh Kumar Jandoli, Advocate  
for the petitioners.

Mr. Gautam Thapar, Sr. DAG, Punjab.

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**AARADHNA SAWHNEY, J. (ORAL)**

1. Petitioners, who are accused in case FIR No.66 dated 22.03.2025 registered against them, under Sections 333, 303(2), 118, 193(3), 190, 115(2) of BNS, 2023 at Police Station Tanda, District Hoshiarpur (Annexure P-1), have filed the present petition for grant of pre-arrest bail under Section 482 of BNSS.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

*Ranjit Singh son of Bagga Singh, resident of Lohirian Mohalla, Moonak, Street Urmur, Tanda, Police Station Tanda, District Hoshiarpur, running a finance company from the office built in the backyard of his house, set the criminal law in motion by filing the complaint pointing therein that at about 09:00/9:30 p.m. on 18.03.2025, after closing the office he was heading back home and had kept Rs.1,30,000/- in his pocket of his trouser. When he entered his house, he sensed foul smell emanating from his house. On the roof of his house of his neighbour Sunil Kumar, a loud*

speaker was being played on high volume. He also saw son of Sunil Kumar namely Divyanshu, Sukhbir (petitioner No.2) Singh along with 10-12 unidentified youths creating ruckus on the roof top. He climbed up the stairs of his house and from his roof requested Sunil Kumar to lower down the volume. This request was not taken lightly by Sunil Kumar and others, who started abusing him. Sensing trouble he (c) came down on the ground floor and parked his motorcycle, inside the house. While he was closing the gate of the house, Divyanshu (petitioner No.2) son of Sunil Kumar armed with iron rod, Sunil Kumar armed with stick, Sukhbir Singh (petitioner No.1) armed with iron kara (bangle) and other unidentified young boys pushed open the main gate and forcibly entered the house. Petitioner No.1 exhorted others to teach him a lesson for stopping them from playing music loudly. Before he could react, Divyanshu (petitioner No.2) attacked him with iron rod, the first blow hit him on his left eye, the second hit him on his head. The others also gave kick blows to him even when he was lying down. It is further the allegation of complainant that the assailants took away Rs.1,30,000/- that he had kept in his pocket. His wife Daljit Kaur raised an alarm. On seeing people gathering, the assailants sped away but not before issuing a threat to kill him on a suitable/convenient opportunity. Arrangements were made and he was rushed to the Civil Hospital, Tanda. However, on account of his delicate medical condition, he could not get his statement recorded. But as soon as, he was in fit condition, he moved the complaint and requested the police authorities to catch hold of the assailants, as also to initiate appropriate proceedings against them. On the basis of the said complaint, formal case FIR No.66 dated 22.03.2025, u/s 333, 303(2), 118, 193(3), 190, 115(2) of BNS, 2023, P.S. Tanda, District Hoshiarpur, was registered.

3. Apprehending their arrest, the present petitioners moved an application for grant of anticipatory bail before the Ld. Additional Sessions

Judge, Hoshiarpur. The same was dismissed in terms of the order dated 08.04.2025. Aggrieved of which, the present petition has been filed.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. The incident did not occur in the manner as portrayed by the complainant. In fact, the complainant party had forcibly entered house of petitioner No.2 and had inflicted injuries to him and others. Copies of the medico legal report of both the petitioners appended along with petition as Annexure P-2 and P-3, have also been referred to by the counsel. Petitioner party had also complained about the incident to the local police officials, who did not pay any heed. For reasons best known, however, proceedings were initiated on the complaint lodged by the complainant. The fact that FIR was lodged after 04 days of the incident clearly suggests that facts have been twisted. Continuing further learned counsel submits that even for the sake of arguments the story as put forth by the complainant is taken to be true (though not admitted), no injury is attributed to petitioner No.1. Even the injury said to have been inflicted by petitioner No.2 Divyanshu has been opined to be 'Simple' in nature. Learned counsel further submits that both the petitioners are willing to join the investigation as and when called for by the I.O. thus, prays that lenient view be taken in their favour.

5. *Per contra*, while opposing the petition, learned State counsel accompanied by counsel for the complainant, submit that the manner in which the incident occurred does not call for taking any lenient view in favour of the petitioners, both of whom after being told to lower down the volume of the speaker lost control, barged inside the house of the complainant and unleashed an attack on him. In the incident complainant suffered 02 injuries on his head (an incised wound and lacerated wound). Blood was profusely oozing out from

his head, when he was rushed to the emergency ward of Civil Hospital, Tanda, District Hoshiarpur, where he was treated.

The story put forth by the petitioners that in the same incident they also suffered injuries, does not appeal to common sense, for their medical record appended along with the petition indicate that they had reported to the hospital at about 05:00 p.m. on 19.03.2025 i.e. approximately after 16-17 hours of the incident. Moreover, the manner in which the incident occurred, as also considering the recovery of weapon is to be effected from both the accused, no case for grant of pre-arrest bail is made out. Learned counsel for the complainant submits that despite best efforts police officials have not been able to arrest the petitioners, who are on the run since the day of the incident.

6. Learned counsel for the petitioner, learned State counsel accompanied by learned counsel for the complainant have been heard and documents on record have been perused.

7. Before expressing any opinion on the submissions raised by learned counsel of the parties, it would be appropriate to refer to certain judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

(i). Hon'ble the Supreme Court in "**P. Chidambaram vs. Directorate of Enforcement, ((2020) 13 SCC 791)**", has observed as under:-

*"67. Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 Cr.P.C 1973 is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as*

*to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy.”*

(ii). In **Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav vs. The State of Maharashtra and another, 2025 AIR SC 3375**, the Hon’ble Supreme Court held that “Anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner.”

(iii). Hon’ble Supreme Court in plethora of judicial precedents including **Gurbaksh Singh v. State of Punjab, AIR 1980 SC 1632**, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the facts like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

8. Factual aspects of the case have been highlighted in para 2 of the order. In view of role played by the petitioners, who barged inside the house of the complainant and unleashed an attack on him, as also took away Rs.1,30,000/-, the Court is of the opinion that presence of the petitioners is needed for custodial interrogation, to recover the weapon used by them in the offence, as also to recover the amount of Rs.1,30,000/-. Resultantly, petitioners have not been able to make out a case of exceptional depravity/hardship in

their favour, in case the concession of extraordinary relief of anticipatory bail is not granted to them. The present petition stands dismissed.

**20.11.2025**  
*Parveen kumar*

**(AARADHNA SAWHNEY)**  
**JUDGE**

Whether speaking/reasoned :Yes/No  
Whether reportable :Yes/No