

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50812-2025
Reserved on: 01.10.2025
Pronounced on: 31.10.2025

Narinder Kumar ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Shakti Mehta, Advocate
for the petitioner.

Mr. Akshay Kumar, A.A.G., Punjab.

Mr. Vipul Sachdeva, Advocate
for respondent No.2/complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0067	15.07.2024	Phase-8, District SAS Nagar, Punjab	115, 351(2), 308(2), 137(2) BNS

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 19 of the bail application, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	334	16.12.2013	22 of NDPS Act	Patran
2.	97	07.06.2013	411 IPC	Lehra
3.	156	21.06.2015	22 of NDPS Act	Patran
4.	492	02.10.2021	379-B, 384, 120-B IPC	City Barnala

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

“To the Station House Officer, Phase-8, District SAS Nagar. Sir, I Ranvir Singh S/o Thavar Singh R/o H. No.65, MC Dhanas, Chandigarh. Yesterday at about 08:30 PM I was driving home at Dhanas in my Santro Car after finishing my duty from office. When I reached at intersection lights of Phase 8-9, an unknown girl came to me asking about the address of Fortis Hospital. To whom I replied that Forties Hospital is in front of you and in the meantime, suddenly four unknown

persons forcibly sat down into my Car and they also nudged me from the driver seat and made me sit in between the driver and the passenger seat. They told me that they were police officials and I had molested a girl and they would take me to police station. Before could I raise alarm, they drove off the Car and took me to the dividing road of phase 8 and 9. Thereafter, they made me sit in their white colour Car. Two of them sat with me in the Car and the remaining persons kept sitting in my Car. They started threatening me that they would take me to police station Banur. They started driving the Car from Landran to Banur and from Banur to Rajpura and thereafter, they took me from Rajpura to Patiala. They threatened me in the Car and got unlocked my phone. They also broke the toll plaza at village Chamarheri. Then they parked the car in some deserted place and have snatched my watch, ID Card, Debit Card. They also physically assaulted me in my car and got transferred an amount of Rs. 45,000/- and 50,000/- via phone pay application from my phone Marka Oppo, no. 88724-83666 and kept my phone with them. Thereafter, they dropped me near my Car after crossing toll plaza of Chamarheri for 4-5 KM and then all three miscreants went to Rajpura side. During this period, I have read their car no. which is Vento Car of white colour bearing registration no. DL-14C-0424. Thereafter, I came back to my home in a fear and then I came to you at police station. You are kindly requested to get returned money, mobile phone, articles and watch and action may kindly be taken. Thanking you. SD/ Ranveer Singh”

4. Counsel for the petitioner submits that the matter stands compromised with the complainant/respondent No.2.

5. Counsel for respondent No.2 also admits the factum of compromise and states that they have no objection to the petitioner's bail.

6. 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.

7. 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.

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

9. 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.

10. 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.

11. 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.

12. 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.

13. Given above, the present petition is not maintainable, however keeping in view the compromise between the parties, petitioner is permitted to surrender before the trial Court on or before 15.11.2025 and on that day in case he files an application for bail, then he be granted interim bail, till the decision of such bail application. Reference can be made to the judgment of Supreme Court in the case of *Sundeeep Kumar Bafna Versus State of Maharastra and another Criminal Appeal No.689 of 2014, decided on 27.03.2014.*

14. **Petition disposed of** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

31.10.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.