



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

103

CRM-M-54323-2025 (O&M)

Date of decision : 25.09.2025

SANDEEP SINGH

.....PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Lakshay Bector, Advocate
for the petitioner.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

Mr. Akshay Chadha, Advocate
for the complainant.

SURYA PARTAP SINGH, J. (Oral)

1. For the commission of offence punishable under Sections 115(2), 118(1), 126(2), 351(2), 3(5) of BNS, the FIR No. 199 dated 05.08.2025, Police Station City Division No.8, District Ludhiana, has been lodged. For the investigation of abovesaid case, the police is trying to arrest the petitioner. Apprehending his arrest, the instant petition for anticipatory bail has been filed by the petitioner.
2. In nut-shell, the facts emerging from record are that the FIR in this case came into being in response to a complaint preferred by the complainant namely Aditya Mahindra. It was alleged by the complainant that on 04.08.2025



at about 10:30 P.M. he had purchased a mobile cover from the shop known as Shop Coverking. According to complainant after purchase of cover, he visited the same shop for the purchase of guard for the Tablet, but found that the price charged by the above-mentioned shopkeeper was on higher side and therefore, he visited another shop, where he came to know that the cover sold to him was at inflated price.

3. It was further alleged by the complainant that thereafter, he visited the shop Coverking and complained about the overcharging of price and offered the shop owner to fix guard on the Tablet and adjust the money overcharged in the sale of mobile cover. As per complainant instead of doing so, the shop owner and his associates starting abusing the complainant and therefore, his (complainant's wife) started video recording of the incident. According to complainant with an intention to kill him and his wife, the shop owner and his associates attacked him and inflicted injury on his head with the help of sharp edged weapon causing head injury. It has also been alleged by the complainant that the assailants also hurt his child by punching on his face and caused severe damage to his car also.

4. It is the case of the prosecution that on the basis of above-mentioned information, a formal FIR in this case has been lodged and the investigation taken up.

5. Heard.

6. It has been contended by learned counsel for the petitioner, that petitioner is an innocent young boy, who was working as a servant on the shop in question. According to learned counsel for the petitioner all the injuries suffered by the complainant have been declared to be simple in nature by the



medical officer and therefore, the gravity of offence, allegedly committed by the petitioner, is not severe.

7. In addition to above, learned counsel for the petitioner has also argued that no specific role has been attributed to the petitioner in the commission of crime and even a weapon of offence has not been assigned to him. In view of above, learned counsel for the petitioner has requested for the benefit of anticipatory bail for the petitioner.

8. *Per contra*, the learned State counsel, being assisted by learned counsel for the complainant, has contended that the offence is of serious nature as head injury has been inflicted on a vital part of the body of the complainant with the help of sharp edged weapon. It has been further contended by learned State counsel that in collusion with the accused party the Investigating Agency had been down playing the incident and that the injuries suffered by the complainant on his head, caused by sharp edged weapon, has not been taken note of by the Investigating Officer. As per learned counsel for the complainant instead of reporting actual gravity of offence the petitioner and his co-accused are being prosecuted for a lesser offence. It has also been contended by learned counsel for the complainant that with regard to a part of incident video footage is available, which makes it abundantly clear that the complainant was subjected to uncalled for severe thrashing.

9. The record has been perused carefully.

10. Since it has been admitted that video footage has been collected by the Investigating Officer, the same too has been taken into consider action. In the present case, at the very outset, it is pertinent to mention here that there are very specific and categorical allegations against the petitioner that he was



member of a group, which attacked the complainant and caused severe injuries on his person. Thus, irrespective of the fact that injuries suffered by the petitioner on his head has not been attributed to the petitioner, he is liable for the entire act of aggression of the group.

11. In view of the fact that the petitioner has suffered injuries on his head and opinion with regard to nature of such injury is yet to be collected by the Investigating Agency, it is hereby held that, at this stage the grant of anticipatory bail to the petitioner may adversely impact the outcome of investigation. In the present case the facts are yet to crystallize, and otherwise also in order to dig out truth, custodial interrogation of the petitioner is relevant.

12. It shall not be out of place to mention here that remedy of anticipatory bail is an extraordinary remedy for a person who is accused of grave offence. With regard to such relief, the Hon'ble Supreme Court of India in the case of ***Srikant Upadhyay v. State of Bihar 2024 SCC OnLine SC 282***, has observed that power to grant anticipatory bail is extraordinary power. In the above-mentioned case, it has also been held that irrespective of the fact that in a number of cases it has been held that bail is a rule but, it cannot, by any stretch of imagination, be said that anticipatory bail is a rule.

13. The Hon'ble Supreme Court of India in the above mentioned case has further observed that rule of anticipatory bail is a question of judicial discretion depending upon the facts and circumstances of each case. According to Hon'ble Apex Court, when called upon to exercise the above said power, the Court concerned has to be very cautious, as the grant of interim protection to the accused in serious cases may lead to miscarriage of justice, and hamper the



investigation.

14. Similarly, in the case of *Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. The State of Maharashtra and Another (Special Leave Petition (Criminal) No. 10255 of 2024, decided on 21.07.2024)*, the Hon'ble Supreme Court of India has held that anticipatory bail is an exceptional remedy and it ought not be granted in a routine manner. As per the Hon'ble Supreme Court, there must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offence.

15. In the case of *Gurbaksh Singh Sibba etc. v. State of Punjab 1980 SCC (2) 565*, the Hon'ble Supreme Court of India has also held that:-

- i) the power under Section 438, Criminal Procedure Code, is of an extra-ordinary character and must be exercised sparingly in exceptional cases only. ii) the said power is not unguided or uncanalized but all the limitations imposed in the preceding Section 437, are implicit therein and must be read into Section 438.
- iii) in addition to the limitations mentioned in Section 437, the petitioner must make out a special case for the exercise of the power to grant anticipatory bail. iv) Where a legitimate case for the remand of the offender to the police custody under Section 167(2) can be made out by the investigating agency or a reasonable claim to secure incriminating material from information likely to be received from the offender under Section 27 of the Evidence Act can be made out, the power under Section 438 should not be exercised.

16. Taking into consideration the cumulative effect of all the above discussed fact and circumstances related to present case, and the above-mentioned principles of law, it is hereby held that at this stage the petitioner is



not entitled for anticipatory bail. Thus, being without merit, the present petition is hereby dismissed, accordingly.

(SURYA PARTAP SINGH)
JUDGE

25.09.2025

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