

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

308

CRM-M-59644-2024

Date of decision: 27th January, 2025

Harmandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Gurpreet Kaur, Advocate for the petitioner.

Mr. Ravinder Singh, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioner in case FIR No. 89 dated 17.04.2024 registered under Sections 452, 427, 323, 506, 148 and 149 of Indian Penal Code, 1860 (Section 307 of IPC added later on), at Police Station Gharinda, District Amritsar Rural.

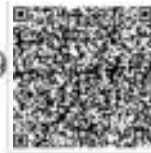
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR has been registered on the basis of statement got recorded by the complainant Baljit Singh on 17.04.2024, on the allegations that on the intervening night of 12/13.04.2024, the petitioner while being armed with *datar*, formed membership of an unlawful assembly with co-accused and in prosecution of common object of that assembly,



criminally trespassed into his house by breaking open the doors and windows thereof with weapons and after making an exhortation opened an attack upon his brother-in-law Baljinder Singh @ Gagan and caused serious injuries to him. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, present petitioner had moved an application for grant of pre-arrest bail before the Court of learned Sessions Judge, Amritsar which was dismissed vide order dated 03.06.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. There is delay of four days in reporting the matter to the police, which has not been explained. A concocted story has been planted upon him. The offence under Section 307 of IPC has been added after 14-15 days of lodging of the FIR. The ingredients for commission of this offence have not been made out as against the petitioner. No specific injury has been attributed to him. He is ready to join the investigation. His custodial interrogation is not required. Therefore, it is urged that he deserves to be extended benefit of pre-arrest bail.

4. Status report has been filed by respondent-State. Learned Assistant Advocate General, Punjab has argued that the allegations against the petitioner are serious in nature. Injury on the head of the victim with a *datar* has been attributed to the petitioner which is grievous and is on vital part of the body. Custodial interrogation of the petitioner is required for conducting thorough investigation in the matter. No extra ordinary or



sparing circumstance has even otherwise been made out for the purpose of extending benefit of pre-arrest bail to the petitioner. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. As per the allegations, the petitioner had caused injuries on the left side of the head of the victim Baljinder Singh, whereas, co-accused Gurbaz Singh had struck a *datar* blow from its reverse side, thereby injuring left side of the abdomen of the victim. The injury on head of the victim has been opined to be grievous in nature as per the medico opinion. The allegations against the petitioner are serious in nature. For the purpose of conducting thorough investigation in the matter, custodial interrogation of the petitioner is must. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly and in exceptional circumstances. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. Keeping in view the gravity of allegations as levelled against the petitioner and the above discussed facts and circumstances of the case, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.



7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

27th January, 2025
Parveen Sharma
1. Whether speaking/ reasoned
2. Whether reportable

: Yes / No
: Yes / No