

2025:PHHC:158044



CRM-M-59563-2025 (O & M)

::1::

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(205)

CRM-M-59563-2025 (O & M)
Date of decision: 14.11.2025

Amandeep Singh @ Deva

..... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Riffi Birla, Advocate, for the petitioner.

Mr. M.S. Toor, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 of BNSS, 2023 is for the grant of anticipatory bail to the petitioner in case FIR No.183 dated 24.10.2024 under Sections 126(2), 118(1), 115(2), 3(5) of BNS (Section118(2) BNS, 2023 added later on) registered at Police Station Sadar Fazilka, District Fazilka.

2. The present FIR came to be registered at the instance of Manjeet Singh and reads as under:-

A Statement of Manjeet Singh son of Khajan Singh son of Bhagwan Singh resident of Nawa Mumbe Ke aged about 29 years Mb. 99156-24209. Stated that I am resident of aforesaid address and works as an accountant at Shivalik Hospital, Jalalabad. On 21.10.204 I after finishing my work was coming from Jalalabad to my home at village Nawa Mumbe Ke while riding on my motorcycle Platina No.PB-22C-7218

2025:PHHC:158044



CRM-M-59563-2025 (O & M)

::2::

and when I reached few distance ahead of village Thagni then time was about 07.30 pm then two motorcycle one driven by Amandeep Singh Deva son of Gurdeep Singh Deepa resident of Mohd. Peera currently residing at Mandi Ladhuka and Rinku Singh son of Kuldeep Singh r/o Nawa Mumbe Ke and on the other motorcycle three unknown persons were riding have waylaid him and asked that he is brother of Situ and should not be spared and in the meantime, Amandeep Singh Deva caught hold of me from my neck and Amandeep Singh @ Deva inflicted two swords blow on me which hit on my left shoulder an in the meantime Rinku inflicted kappa blow which hit me on my back, then Rinku Singh again gave two kappa blows on me, which hit on my right shoulder, then in the meantime, Amandeep Singh Deva inflicted one more sword blow on my head and I in order to save myself raised my right hand then sword blow hit on my right hand, then I became semi unconscious and fell on the ground and on my falling down, they all inflicted injuries to me with kappa and sword, which hit on the knee of my left leg and calf of my left leg and right leg and I was unconscious then after sometime, on seeing the light of the vehicle from village Kotha Wali side, they fled away from the spot with their weapons on their motorcycle towards village Dhagni and the vehicle rider to care of me and called my brother Surjit Singh after taking phone number from me and if that vehicle rider would have not come on the spot then they had killed me. Then my brother on arranging the vehicle got me admitted at Civil Hospital, Fazilka for treatment, where doctor after conducting my checkup referred me to GGS College Faridkot and due to receipt of serious injuries on my right hand, my family members got me admitted at Amandeep Hospital, Amritsar, today, I have been admitted at civil Hospital, Fazilka for treatment for Amandeep Hospital, Amritsar, Today I am admitted at civil Hospital, Fazilka for treatment, where I



CRM-M-59563-2025 (O & M)

::3::

am undergoing treatment. The bone of contention is that they had a fight with my brother Surjit Singh Situ and later on village Panchayat got effected compromise between them but they kept a grudge due to which they inflicted injuries to me. Action may be taken against them. statement has been recorded, which has been heard and it is correct. Sd/ in Punjabi Manjeet Singh.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case being a friend of co-accused Rinku Singh and the allegations levelled in the FIR are exaggerated and concocted. There is a delay of 03 days in the registration of the FIR which is fatal to the prosecution case. Taking the allegations to be correct, the injury attributed to the petitioner is a grievous injury on a non-vital part of the petitioner. As the petitioner is ready and willing to join the investigation, he is entitled to the concession of anticipatory bail.

4. The learned counsel for the State, on the other hand, has filed a status report by way of affidavit of Balwinder Singh, Deputy Superintendent of Police, Sub Division, Fazilka dated 13.11.2025 which is taken on record. While referring to the said report, he contends that the petitioner is the main accused having inflicted a sword blow on the person of the injured. Injury No.7 on the hand has been declared to be grievous in nature. The complainant-Manjeet Singh has received 10 injuries. The petitioner is an accused in one other case arising out of FIR No. 36 dated 21.04.2022 under Sections 341, 379-B, 411 IPC, Police Station Khui Khera.

The nature of the allegations levelled against the petitioner, the requirement



CRM-M-59563-2025 (O & M)

::4::

for the recovery of the weapon used and his antecedents do not entitle him to the concession of anticipatory bail and therefore, the present petition is liable to be dismissed.

5. I have heard the learned counsel for the parties.

6. The Hon'ble Supreme Court in the case of '**Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022(4) RCR (Criminal) 977**', has held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

"It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused



CRM-M-59563-2025 (O & M)

::5::

should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

7. A perusal of the FIR and the medical evidence would reveal that the petitioner is the main accused having given a sword blow on the person of the injured. Injury No.7 on the hand has been declared a grievous injury and attributed to the petitioner. The weapon of offence is to be recovered from him. Further, he is an accused in one other case arising out of FIR No.36 dated 21.04.2022 under Sections 341, 379-B, 411 IPC, Police



CRM-M-59563-2025 (O & M)

::6::

Station Khui Khera. Not only is the offence *prima facie* established but for the investigation to be taken to its logical conclusion, the custodial interrogation of the petitioner is certainly necessary.

8. In view of the above discussion, I find no merit in this petition and the same stands dismissed.

9. However, it is made clear that the observations made in this order are only for the purpose of deciding this bail application and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made.

10. The pending application(s), if any, shall stand disposed of accordingly.

November 14, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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