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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-61885-2024
Decided on : 16.01.2025

Satwinder Singh @ Ladu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Piyush Sharma, Advocate
for the petitioner

Mr. Aakanksha Gupta, AAG Punjab

KIRTI SINGH, J. (Oral)

1. Apprehending arrest in FIR No.89 dated 25.10.2024, under Sections 109, 190, 191(3) of BNS and Sections 25 and 27 of Arms Act, 1959 registered at Police Station Ghall Khurd, District Ferozepur, the petitioner has preferred this petition under Section 482 of BNSS for grant of anticipatory bail.

2. The contents of the above-mentioned FIR are reproduced herein below :-

“Statement of Yuvraj Singh alias Bobby son of Nachattar Singh son of Gurcharan Singh resident of village Ghall Khurd District Ferozepur aged about 24 years mobile No. 82641- 93623. Stated that I am a resident of the above mentioned address, I have studied up to 12th class and presently do agriculture work as well as selling mares, we have 10 Killa land I am having friendship with Mandeep Singh Bhalwan son of Amarjit Singh resident of our village since childhood, we both help each other in agriculture work, as the paddy crop was



grown properly therefore yesterday on 24/10/2024 we had harvested the same with combine, due to dark we had parked the combine machine at his motor, therefore I along with my relative's son namely Kuldeep Singh son of Satnam Singh resident of village Kalia Saktra District Tarn Taran had come to motor of Mandeep Singh Bhalwan at about 11 in the night on his Thar after having dinner and we went to sleep at 11:30 PM after bolting the door of the room then at about 11:10 AM a whispering noise from outside of some persons talking to each other was heard then I woke up and saw outside through the whole of the main gate and found that Satwinder Singh alias Laddu son of Jang Singh resident of village Thathere Kalan who was having rifle and Roshandeep Singh alias Roshan son of Shinder Singh resident of Hakumat Singh Wala was having pistol. Hardeep Singh alias Deepa son of Gurmeet Singh resident of village Ghall Khurd was having pistol accompanied by 12-15 unidentified persons who were armed with different types of weapons, they started knocking the door of my room and telling me to come outside but I did not open the door then Randhir Singh alias Dhira alias Chairman son of Sukhchain Singh resident of village Ferozshah and told me "Bobby come outside I am Chairman I will not let anything to be done to you" then I told what happened then Laddu told "come outside otherwise you will be killed" thereafter I did not reply then they had started firing outside, thereafter they fired 2 shots on the iron gate of our room with an intention to kill us and the shots entered inside the room piercing the iron gate but as we had taken shelter of a wall due to which we saved, thereafter I made a call to my father and informed him about everything then after some time my father and my brother Sukhtaj Singh came there on a car then they all escaped from the spot and my father got the door of the room opened and we came back home, motive behind the occurrence is that 2 months ago my brother Sukhtaj Singh had got an FIR registered against Hardeep Singh alias Deepa and Laddu etc. in police station Talwandi Bhai due to this grudge and to take revenge they are bent upon to cause loss to whole of our family



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due to this grudge they fired straight towards me with an intention to kill if my father and my brother did not come at the spot then they all would have broken up and the door of the room and killed us, legal action may kindly be taken against them and justice be provided to me, today we were coming to you to give information, you met us, got my statement recorded to you heard the same and it is correct. SD/- Yuvraj Singh alias Bobby verified statement SD/-Nachattar Singh (father) attested SD/- Jaspal Singh ASI police station Ghall Khurd District Ferozepur. ”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case and no injury is attributed to him. He further submits that the allegations levelled in the FIR are highly improbable and the petitioner is willing to join the investigation.

4. *Per contra*, learned State counsel while relying upon status report dated 13.01.2025 submits that the petitioner was armed with rifle at the time of occurrence and he along with his companions fired shots towards the complainant and his relatives with intention to kill them, while they were in the room. He further submits that the petitioner is habitual in involving in such offences and he is involved in the following cases :

Sr. No.	FIR No./Date	Offence	Police Station	Status
1.	103/21.10.2021	380/457/427/201 IPC	Ghall Khurd	Under investigation
2.	115/16.6.2020	326, 325, 323, 506, 201, 304 IPC	Talwandi Bhai	Trial pending
3.	5/08.02.2024	307/341/506/148/149 IPC and 25/27 of Arms Act	Ghall Khurd	Under investigation
4.	182/30.08.2019	379-B IPC	City South Moga	Trial pending
5.	5/08.02.2024	307/341/427/148/149 IPC, 25, 54, 59 of Arms Act	SSOC Fazilka	Trial pending



Learned State counsel further submits that the complainant has been specifically named him in the FIR, having armed with rifle and stated to have fired shots from the said rifle along with his companions towards the complainant and his relatives. Empty cartridges were recovered from the spot which further establishes the complicity of the petitioner.

5. Heard the rival submissions made by learned counsel for the parties and perused the record.

6. In ***Srikant Upadhyay and others vs. State of Bihar and another, 2024 (INSC) 202 (SC)***, Hon'ble Supreme Court held as under:

*“It is thus obvious from the catena of decisions dealing with bail that even while clarifying that arrest should be the last option and it should be restricted to cases where arrest is imperative in the facts and circumstances of a case, the consistent view is that the grant of anticipatory bail shall be restricted to exceptional circumstances. In other words, the position is that the power to grant anticipatory bail under Section 438, Cr.P.C. is an exceptional power and should be exercised only in exceptional cases and not as a matter of course. Its object is to ensure that a person should not be harassed or humiliated in order to satisfy the grudge or personal vendetta of the complainant. (See the decision of this Court in *HDFC Bank Ltd. v. J.J.Mannan & Anr.* 2010 (1) SCC 679).*

*Further, it was clearly observed in para NO. 24 of the judgment (supra) that “**though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule.** It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the*



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accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the Court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously, defying orders and keep absconding is not entitled to such grant.”

7. In ***Sushila Aggarwal v. State (NCT of Delhi) (2018) 7 SCC 731***, the Constitution Bench reaffirmed that when considering applications for anticipatory bail, courts should consider factors such as the nature and gravity of the offences, the role attributed to the applicant, and the specific facts of the case.

8. In ***Siddharam Satlingappa Mhetra v. State of Maharashtra & Ors. reported in (2011) 1 SCC 694*** rendered in the context of the discretion to grant Anticipatory Bail under Section 438, Hon’ble Supreme Court advocated the need to balance individual personal liberty with societal interest and observed:-

“84. Just as liberty is precious to an individual, so is the society’s interest in maintenance of peace, law and order. Both are equally important.”

9. There are serious allegations levelled against the petitioner. The petitioner was an active member of the unlawful assembly and he was armed with rifle at the time of occurrence and stated to have fired shots towards the complainant and his relatives while they were in their room. The petitioner is



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involved in five other cases involving serious offences. Accordingly, to unearth the true dimension of the alleged crime, this Court does not deem it appropriate to interfere in the matter so as to grant the concession of anticipatory bail to the petitioner at this stage.

- 10. The petition is dismissed.
- 11. Needless to mention that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
- 12. Pending application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

January 16, 2024
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No