



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

(141)

CRM-M-67848-2025

DATE OF DECISION: 02.12.2025

Jaspal Singh @ Giani

.....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Kartar Singh, Advocate, for the petitioner.

Mr.Aditya Pal Singla, AAG, Haryana.

SUBHAS MEHLA, J (ORAL)

1. Prayer in this petition is for grant of anticipatory bail to the petitioner in case FIR No.185 dated 12.10.2025 under Sections 117(2), 118(1), 118(2), 190, 191(2), 191(3), 115(2), 324(4), 333, 351(3), 61(2) and 111 of BNS, 2023, registered at Police Station Ratia, District Fatehabad.

2. Brief facts of the case are that on 10.10.2025, when complainant Heera Singh (Sarpanch of the village), was sitting inside his room alongwith his friends, a white Scorpio vehicle arrived at his premises and accused Jeewan @ Katta, accused Jaspal, Aman @ Aman Safari and 3/4 other unknown persons, armed with axes and iron rods alighted. Upon entering the house they shouted that they would now teach him a lesson for informing on them, snatched his mobile phone and also took Rs.10,000/- in cash from his pocket. They threatened his companions to stay aside and to put their mobile phones away. Thereafter, the accused persons caught hold of his neck, dragged him outside the room and started assaulting him



mercilessly. In an attempt to save himself, he ran into the bathroom and locked it from inside, however, they broke open the bathroom door, dragged him out into the courtyard and attacked him with axes and iron rods, aiming blows at his head with the intention to kill him. He managed to dodge some of the blows, but they continued to beat him brutally and inflicted multiple serious injuries upon him. Before leaving the spot, the accused persons threatened him saying that he had only been slightly injured this time, but that they would kill him in future. They took away his Rs.10,000/- cash, threw his mobile phone on the ground and damaged two motorcycles parked outside by striking them with sharp edged weapons. Thereafter, all the accused boarded their white Scorpio vehicle and fled from the scene. Due to the injuries and loss of consciousness, he was unable to explain all his injuries to the doctor at the time of medical examination. He also possessed video footage of the entire incident from the CCTV cameras installed in the house, which is saved on his mobile phone and could be provided to the investigating officer.

4. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case at the instance of complainant in connivance with police; accused has permanent abode and there is no chance of his fleeing from justice and since the petitioner is ready to furnish bail bonds and surety bonds, prayer for grant of anticipatory bail to the petitioner is made.

5. Notice of motion.

6. Mr.Aditya Pal Singla, AAG, Haryana, who is present in the Court accepted notice on behalf of respondent-State and submitted that the



involvement and his custodial interrogation is required to recover the weapon of offence and prayed for dismissal of the present petition.

7. Heard.

8. Keeping in view the serious allegations levelled against the petitioner and the fact that he along with Jeewan @ Katta and Aman @ Aman Safari and 3/4 other unknown persons, armed with axes and iron rods entered into the house of the complainant and caused grievous injuries and also damaged two bikes parked outside the house; name of the present petitioner is specifically mentioned and he is required for custodial interrogation, anticipatory bail cannot be granted to the petitioner in view of law laid down by the Hon'ble Supreme Court in case titled as '**CBI Vs. Anil Sharma, 1997 AIR Supreme Court 3806' decided on 03.08.1997**, wherein it has been held as under:-

"....custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in a



responsible manner and that those entrusted with the task of disinterring would not conduct themselves as offenders.”

9. Morevoer, in **Pratibha Manchanda & Anr. versus State of Haryana & Anr. [2023(3) RCR(Criminal) 511]**, while dealing with a petition for cancellation of anticipatory bail granted by the High Court, Hon’ble Supreme Court observed that while granting anticipatory bail courts should consider factors such as the nature and gravity of the offences. The relevant extract of the Pratibha’s case (supra) is reproduced as under:

*“In **Siddharam Satlingappa Mhetre v. State of Maharashtra (2011) 1 SCC 694**, this Court carefully considered the principles established by the Constitution Bench in **Gurbaksh Singh Sibbia v. State of Punjab (1980) 2 SCC 565** case. After a thorough deliberation, this court arrived at the following conclusion:*

"112. The following factors and parameters can be taken into consideration while dealing with anticipatory bail:

- (i) The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;*
 - (ii) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;*
 - (iii) The possibility of the applicant to flee from justice*
 - (iv) The possibility of the accused's likelihood to repeat similar or other offences;*
 - (v) Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her;*
 - (vi) Impact of grant of anticipatory bail, particularly in cases of large magnitude affecting a very large number of people.*
- xxx xxx xxx"*

*18. In **Sushila Aggarwal v. State (NCT of Delhi) (2018) 7 SCC 731**, the Constitution Bench of Supreme Court of India,*



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.

19. The relief of Anticipatory Bail is aimed at safeguarding individual rights. While it serves as a crucial tool to prevent the misuse of the power of arrest and protects innocent individuals from harassment, it also presents challenges in maintaining a delicate balance between individual rights and the interests of justice. The tight rope we must walk lies in striking a balance between safeguarding individual rights and protecting public interest. While the right to liberty and presumption of innocence are vital, the court must also consider the gravity of the offence, the impact on society, and the need for a fair and free investigation. The court's discretion in weighing these interests in the facts and circumstances of each individual case becomes crucial to ensure a just outcome.”

10. In view of the above, this Court finds no ground to grant anticipatory bail to the petitioner and the present petition stands dismissed.

11. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

02.12.2025
mamta

(SUBHAS MEHLA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No