



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

(135)

CRM-M-69414-2025

DATE OF DECISION: 09.12.2025

Ricky

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Sumit Dua, Advocate, for the petitioner.
Mr.Anup Singh, AAG, Punjab.

SUBHAS MEHLA, J (ORAL)

1. Present petition has been filed under Section 482 of BNSS, 2023, for grant of anticipatory bail to the petitioner in case FIR No.317 dated 14.11.2023, under Sections 302, 148, 149 IPC (120-B IPC added lateron) and Section 25 and 27 of Arms Act, 1959, registered at Police Station Rama Mandi, District Jalandhar and further arrest of the petitioner be stayed during the pendency of the present petition.

2. Brief facts of the case are that FIR in question was registered on the statement of complainant Rukman Rani @ Bunty, who stated that on 13.11.2023 at about 07:00 pm, she, Anika and Rohit Kumar @ Alu son of late Manmohan Arora, resident of Bansanwali Gali, Rama Mandi were going by foot where Kalu Bhaiya, Ratan, Gagan Gugga, Shiva, Lakhan, Ricky (present petitioner), Sanjay, Laddi, Bakra, Gattu, Vipin, Lucky, Shavi and some other unidentified persons attacked them. Accused namely Ratan pulled out the revolver from his dub and fired towards Rohit Kumar @ Alu, which hit on the left side on his chest; another fire went above the head of



Rohit Kumar @ Alu. Then all these accused who were armed with datars, kirpans, baseball bats and other deadly weapons attacked Rohit Kumar alias Alu and caused injuries to Rohit. Thereafter, complainant and Anika raised hue and cry to save them and injured. Then all the accused fled away from the place of occurrence with their respective weapons. Complainant arranged the conveyance and got admitted Rohit Kumar alias Alu at Johal Hospital, Rama Mandi, Jalandhar, but he could not survive and expired during treatment.

3. Learned counsel for the petitioner contended that as per prosecution allegation, the petitioner was present on the spot of occurrence when the main accused fired at Rohit @ Alu; no specific allegation is there against the petitioner for causing injury to the deceased; petitioner is falsely involved in the present FIR on the statement of complainant while petitioner has no connection with the alleged crime and hence, prayer for grant of anticipatory bail is made.

4. Mr.Anup Singh, AAG, Punjab, appearing on advance notice opposed the bail application by submitting that the present petitioner has committed a serious crime and co-accused of the petitioner fired a gun shot causing death of one Rohit @ Alu.

5. Heard.

6. Since the allegations against the petitioner are serious in nature and his name has figured in the FIR, which was registered on the statement of eye witness account; petitioner along with co-accused has attacked the deceased and actively participated in the commission of crime. The co-accused fired a gunshot resulting to death of Rohit @ Alu; bail application



Sessions Judge, Jalandhar vide order dated 28.03.2024 i.e more than 20 months back; he is at large since then, so, petitioner is not entitled for discretionary relief of anticipatory bail as he is required for custodial interrogation.

7. 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 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.”

8. Finding no merit in the present petition, same is hereby dismissed.
9. All pending misc. applications, if any, be also disposed of.

09.12.2025
mamta

(SUBHAS MEHLA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No