



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

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CRM-M-40351-2025

Date of decision : 08.09.2025

Manga @ Manjit

....Petitioner

V/S

State of Punjab

....Respondents

**CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR**

Present: Ms. Harnaaz Kaur Hundal, Advocate for the petitioner.

Mr. Anup Singh, A.A.G., Punjab.

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**NAMIT KUMAR, J. (ORAL)**

1. The petitioner has filed the instant petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'the BNSS) seeking anticipatory bail in case FIR No.18 dated 02.04.2025 registered under Sections 109, 309(4), 115(2), 118(1), 324(4), 351(2), 75, 191(2) & 190 of Bharatiya Nyaya Sanhita, 2023 at Police Station Nurmahal, District Jalandhar Rural.

2. Brief facts of the case are that on 02.04.2025, the father of the victim made a statement before the police stating that his daughter is studying in 11<sup>th</sup> class. Two days before, her daughter told him that Manga (the present petitioner) has been harassing her from the last 15-20 days. He was threatening her to accept his friendship otherwise he will kill her brother or father. On this, on 01.04.2025 at 11:00 a.m., complainant along with his son went to the house of the petitioner and met his mother Babli. They asked her to make the petitioner understand. He further stated that on the same day at about 05:00 p.m., his brother



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Varinder Kumar had gone to Nurmehal on his scooter bearing registration No.PB-08-FK-2820 and when he reached in the area of Cheema Chowk, Phillaur Road, Nurmahal, Jalandhar, he was intercepted by the petitioner, co-accused Ravi and Sachin along with 7-8 unknown persons, who were armed with datar, kirpan and danda. They attacked Varinder Kumar with the above said weapons and caused injuries on his head, arms, legs, back and right foot. He further stated that while leaving the spot, the accused persons also damaged the scooter of Varinder Kumar. On the basis of the said statement, the instant FIR was registered.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. The story made by the complainant is unbelievable that the petitioner was harassing his daughter and caused injuries to his brother. The petitioner would not gain any benefit by causing injuries to the brother of the complainant. She submits that similarly placed co-accused namely Ravipal @ Budda has been granted regular bail by learned Additional Sessions Judge, Jalandhar, vide order dated 16.05.2025. She submits that the petitioner is not involved in any other case. She further submits that no recovery is to be effected from the petitioner and he is ready to join the investigation. Therefore, the petitioner may be granted anticipatory bail.

4. Per contra, learned State counsel, while referring to the averments made in the status report, has vehemently opposed the prayer for grant of anticipatory bail to the petitioner on the ground that the petitioner along with other co-accused caused serious injuries to the



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brother of the complainant. He further submits that custodial interrogation of the petitioner is necessary for thorough investigation of the case and for the recovery of the Dattar, therefore, he does not deserve the concession of anticipatory bail.

5. I have heard learned counsel for the parties and perused the record.

6. As per the prosecution, the daughter of the complainant told him that the petitioner has been harassing her from the last 15-20 days for making friendship with him. He also threatened her that if she did not accept his proposal, he will kill her brother or father. On this, on 01.04.2025 at about 11:00 a.m., the complainant along with his son went to the house of the petitioner and met his mother and asked her to make understand the petitioner not to harass his daughter. Thereafter, on the same day at about 05:00 p.m., the petitioner along with co-accused Ravi and Sachin and 7-8 unknown persons armed with datar, kirpan and danda, caught the brother of the complainant namely Varinder Kumar and caused injuries to him on his head, arms, legs, back and right foot and also damaged his scooter. Injured Varinder Kumar was medico legally examined, vide MLR No.NML/MB/12/2025 dated 01.04.2025, and as per MLR, he suffered seven injuries on his person which are as under :-

Injury No.	Accused	Weapon	Body Part on which injury inflicted	Nature of Injury (Sharp/Blunt)	Result of injuries
1.	Lakhu	Dattar	Head	Sharp	Grievous
2.	Ravipal	Dattar	Left Arm	Sharp	Simple
3.	Manga	Dattar	Right Arm	Sharp	Grievous



4.	Ravipal	Backside Dattar	of Left Wrist	Blunt	Grievous
5.	<b>Manga</b>	<b>Dattar</b>	<b>Right Foot</b>	<b>Sharp</b>	<b>Grievous</b>
6.	Sachin	Kirpan	Right Foot	Sharp	Simple
7.	Unknown	Khanda, Dattar, Kirpan	Hip	Blunt	

7. As per law laid down by the Hon'ble Supreme Court in ***State of Madhya Pradesh Vs. Pradeep Sharma : (2014) 2 Supreme Court Cases 171***, power exercisable under Section 438 Cr.P.C. (now Section 482 of the BNSS) is somewhat extraordinary in character and it is to be exercised only in exceptional cases, where it appears that the person may be falsely implicated or where there are reasonable grounds for holding that a person accused of an offence is not likely to otherwise misuse his/her liberty. Also in determining the parameters in granting anticipatory bail in cases of serious offences, the Hon'ble Supreme Court in ***Bhadresh Bipinbhai Seth v. State of Gujarat and another, (2016)1 SCC 152*** after analysing the entire law has observed as under: -

“23. xx xx xx xx xx

(a) *The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;*

(b) *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;*

(c) *The possibility of the applicant to flee from justice;*

(d) *The possibility of the accused's likelihood to repeat similar or other offences;*



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*(e) Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her;*

*(f) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people;*

*(g) The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which the accused is implicated with the help of Sections 34 and 149 of the Penal Code, 1860 the court should consider with even greater care and caution, because over implication in the cases is a matter of common knowledge and concern;*

*(h) While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to free, fair and full investigation, and there should be prevention of harassment, humiliation and unjustified detention of the accused;*

*(i) The Court should consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;*

*(j) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail. xx xx xx”*

8. The allegations against the petitioner are serious in nature as the petitioner has inflicted injuries on the right arm and right foot of Varinder Kumar with Dattar and as per the MLR, the said injuries were sharp in nature and were declared grievous. Recovery of the ‘Dattar’ is



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yet to be made from the petitioner. Curtailing his freedom is necessary in order to enable the investigation to proceed without hindrance and to protect witnesses at this stage. Reliance can be placed upon the dictum of the Hon'ble Supreme Court in *Prem Shankar Prasad Vs. The State of Bihar and another : 2021(4) RCR (Crl.) 598* and *Anil Kumar Singh Vs. High Court of Judicature at Patna through its Registrar General and another : (2020)19 Supreme Court Cases 364*, wherein the Hon'ble Apex Court had denied the concession of anticipatory bail in view of the gravity of offences and the conduct of the petitioner.

9. No other point has been argued.

10. In view of the facts and circumstances of the case, I am of the considered view that the custodial interrogation of the petitioner is necessary in the case and there is a likelihood that the petitioner may abscond and misuse his liberty. Thus, he does not deserve the concession of anticipatory bail. Consequently, the instant petition is dismissed.

11. However, nothing stated hereinabove shall be construed as a final expression of opinion on the merits of the case.

**08.09.2025***kothiyal***(NAMIT KUMAR)  
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No