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

**CRM-M No.24389 of 2025
Date of Decision: 23.05.2025
Reserved on: 21.05.2025**

Harmanpreet Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Nirmaljeet Singh Sidhu, Advocate,
for the petitioner.

Mr. Vivek Sharma, AAG, Punjab.
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
118	06.10.2024	City Rampura, District Bathinda	109, 118, 126(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (For short "BNS")

2. As per the allegations, the complainant who is a driver by profession and used to drive a bus from Nandgarh to Ambala Cantt, was driving his vehicle on 06.10.2024 when three youths riding on a bike

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stopped his bus and started hurling abuses. They proclaimed that they would teach him a lesson. Then after crossing some distance when the bus was stopped, they dragged him out of the same. The petitioner and co-accused Sahilpreet Singh caught hold of the victim from arms whereas the accused Gurjit Singh @ Jani struck a blow on his head with a gandasi. Then accused Sahilpreet Singh and the petitioner asked Gurjit Singh to assault him more and at which Gurjit Singh had struck three more blows with gandasi on his head. Sahilpreet Singh also struck a blow with the same on his nose. Thereafter, the assailants had fled. The injured was rushed to hospital. On his statement, the aforementioned FIR was registered. The accused Gurjit Singh and Sahilpreet Singh were arrested on 07.10.2024 and 22.10.2024 respectively. Subsequently, on receipt of medical report and finding one of the five injuries as sustained by the victim to be grievous in nature, the offence under Section 118(2) of BNS was added. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Bathinda vide order dated 09.04.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No injury has been attributed to him. A compromise has been effected between the parties and the complainant has sworn an affidavit Annexure P-2 in his favour. His custodial interrogation is not required. He is ready to join the investigation. No recovery is to be effected from him. Accordingly, it is urged that the petition deserves to be

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allowed.

4. Status report has been filed. It is argued by learned Assistant Advocate General, Punjab that keeping in view the gravity of the allegations as levelled against him, he does not deserve to be extended the extraordinary concession of grant of pre arrest bail and further that for conduction proper investigation of the matter, the custodial interrogation of the petitioner is must.

5. This Court has considered the rival submissions.

6. The petitioner along with the co-accused is alleged to have intercepted the complainant as on the fateful day. As per the allegations, he had caught hold of the victim by arms and then the co-accused had struck blows with gandasi on the person of the complainant thereby causing him grievous injuries. Injury No.5 as sustained by the victim on his head was opined to be grievous in nature. Though this injury has not been attributed to the petitioner but to co-accused Sahilpreet Singh, however, the active participation of the petitioner in the subject crime still prima facie stands established as he was the one who had caught hold of the victim at the relevant time. Allegations against him are serious in nature. Keeping in view the gravity thereof, the quantum of sentence which the conviction may entail coupled with the fact that no exceptional or extraordinary circumstance for grant of pre arrest bail is made out, this Court is of the considered opinion that the petitioner does not deserve to be granted benefit of pre arrest bail. Accordingly, the petition is dismissed.

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7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

23.05.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No