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

CRM-M-52750-2024

Date of decision: 07.01.2025

Bikramjit Singh**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. S.P.S. Aulakh, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Senior DAG, Punjab.

Mr. Paras Jagga, Advocate
for the complainant.

RAJESH BHARDWAJ, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in case FIR No.0123 dated 06.09.2024, under Sections 115(2), 126(2), 351(1), 351 (3), 304, 191(3), 190 of BNS and Section 25/54/59 of Arms Act (offence under Section 109 BNS, 2023 added later on), registered at Police Station Kotwali Nabha, District Patiala.

2. Succinctly, facts of the case are that the FIR was lodged on the statement of complainant-Yashpal Singh son of Mohan Lal. It was alleged that on 05.09.2024 at about 11:30 PM, he was going from Bauran Gate to his house at Golden City Nabha in i20 Car. When he parked his Car and came out of the same then one Maruti Ritz Car came which belonged to son of Rohit Rangoli who was driving the Car along with Jeeta of Mehas Village. From the car Komal (wanted goon), Bikramjit Singh (petitioner) along with one unidentified person came out and started fighting with them. Jeeta was armed with countrymade pistol and rest all



of them were carrying iron rods. They gave multiple blows of the rods on his legs and hands. Jeeta pointed the countrymade pistol upon his head and threatened him to handover the Breeza Car No.PB 11 CN 3200 which he had purchased from Bikramjit Singh. Under threat, he handed over the keys of Breeza to them. His Assistant Sandeep Kaur took out the mobile phone and tried to contact the police however, Jeeta threatened her that if she made the video, she will be shot. While leaving, they took away two tolas of gold chain and 25 grams Gold Kara from his hand; 02 gold rings, 01 weighing 12 grams and another weighing 03 grams. It was alleged that the cause of grudge was the dispute of Breeza Car. Request was made to take legal action against the culprits. On registration of the FIR, investigation commenced. Petitioner apprehending arrest approached the Court of learned Additional Sessions Judge, Patiala praying for grant of bail however, after hearing counsel for both the sides, finding no merit in the same, learned Additional Sessions Judge, declined the same vide his order dated 08.10.2024. Hence, petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that petitioner has been falsely implicated in this case. He submits that though the petitioner had taken a loan of Rs.40,000/- from the complainant and in lieu of the same, complainant and his father had taken the RCs of Breeza Car, Bullet Motorcycle, Activa Scooty and also taken the possession of the Activa Scooty. They started compelling the petitioner to return the loan along with interest and stated that only thereafter, they would return the Activa as well as the RCs of the vehicles. It is submitted that the petitioner lodged the FIR No.0114 dated 22.08.2023, under Sections 406, 34 of IPC against complainant-Yashpal Singh. He submits



that complainant in connivance with his father had filed the petition CRM-M-7462-2024 under Section 482 Cr.P.C. for quashing of the FIR on the basis of the forged and fabricated compromise dated 24.01.2024. He submits that complainant along with his father and Sandeep Kaur had played fraud with the Court by impersonating the present petitioner. He submits that the offence under Section 109 of BNS had been illegally added in the FIR. He submits that in the facts and circumstances of the case, no *prima facie* case is made out against the petitioner. Hence, he deserves to be granted anticipatory bail.

4. Learned counsel for the complainant has vehemently opposed the submissions made by counsel for the petitioner. He submits that the petitioner is the anchor of the whole dispute. He submits that the dispute in the present case is regarding the Breeza Car which the petitioner along with the co-accused had forcibly snatched from the complainant. He has submitted that the petitioner had conspired with the co-accused and had opened an attack on the complainant in which the complainant has suffered four serious injuries which constituted the offence under Section 109 of BNS. He submits that the petitioner had made video regarding the whole occurrence and had posted the same on the social media. He thus, submits that the petitioner being the main accused does not deserve the concession of anticipatory bail.

5. Learned State counsel has also opposed the submissions made by counsel for the petitioner. He has drawn the attention of this Court to the status report filed by way of affidavit of Mandeep Kaur, PPS, Deputy Superintendent of Police, Sub Division Nabha. He further submits that petitioner had been specifically named in the FIR and during investigation, his complicity has been established. It is submitted that the



complainant was medico legally examined wherein he was found to have suffered four serious injuries. It has been submitted that the petitioner was duly armed. He has further submitted that the complainant had purchased the Breeza Car from the petitioner which the petitioner snatched along with the co-accused after giving beatings to the complainant. The gold articles were also snatched by the petitioner along with the co-accused. He thus, submits that the petitioner had played a pivotal role in executing a premeditated criminal conspiracy. It is thus, submitted that for the free and fair investigation, custodial interrogation of the petitioner is essential and granting anticipatory bail to the petitioner would seriously prejudice the ongoing investigation. He thus, submits that petition being devoid of any merits, deserves to be dismissed.

6. This Court has heard counsel for the parties and perused the record with their able assistance. As deciphered from the facts and circumstances of the case, the occurrence in the present case has taken place on 05.09.2024. Petitioner along with co-accused had opened attack on the complainant. Co-accused Jeeta was armed with countrymade pistol whereas petitioner was armed with iron rod. All the accused have caused injuries to the complainant wherein he suffered four injuries. During investigation, the offence under Section 109 of BNS has also been added. Complainant has also lodged an FIR against the petitioner regarding the dispute between them. From the status report filed, it is revealed that co-accused have been arrested but the petitioner could not be arrested till date. The investigation in the case is already under progress. Needless to say granting anticipatory bail to the petitioner would seriously prejudice the ongoing investigation.



7. For the consideration of anticipatory bail, the statutory parameters are given under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 which reads as under:-

“Direction for grant of bail to person apprehending arrest:-

Where any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.

When the High Court or the Court of Sessions makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of Section 480, as if the bail were granted under that Section.

8. As per the law settled by the Hon'ble Supreme Court, in **Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632**, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would also prevail upon the right of personal liberty. The relevant



part of the judgment is as follows:-

31. In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the



individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail.

9. The Hon'ble Supreme Court in **State Vs. Anil Sharma, (1997) 7SCC 187**, held as under:-

6. We find force in the submission of the CBI that 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 a 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 offences would not conduct themselves as offenders.



10. Weighing the facts and circumstances of the present case on the anvil of law settled, this Court is of the opinion that the custodial interrogation of the petitioner is very much essential to bring the truth on record and as such, petitioner does not qualify for exercising the extraordinary powers by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

07.01.2025
m. sharma

(**RAJESH BHARDWAJ**)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No