



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CRM-M-47194-2024(O&M)

Decided on: 29.05.2025

HARSIMRAN SINGH

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGHPRESENT: Mr. B.D.Sharma, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, Sr. DAG, Punjab.

Mr. Vivek Salathia, Advocate for the complainant.

KIRTI SINGH, J. (Oral)

Apprehending arrest the petitioner has filed this petition under Section 482 of BNSS for grant of anticipatory bail in case bearing FIR No.137 dated 20.08.2024 under Sections 115(2) and 118(1) of BNS(Section 118(2) of BNS added later on), registered at Police Station Division B, Police Commissionerate District Amritsar.

2. Learned counsel for the petitioner submits, *inter alia*, that the petitioner has been falsely implicated in the present case on the false allegations of beatings levelled against him by his wife. It is contended that there is an unexplained delay of more than nine days in the registration of the FIR. In fact, the present case arises out of a matrimonial dispute between the parties, because of which another FIR had been lodged by the wife against the petitioner. It is submitted that given the behavior of the complainant towards him, the petitioner was constrained to file a petition under Section 13 of Hindu Marriage Act for the dissolution of their marriage on the grounds of desertion and cruelty. Qua the alleged incident, it is submitted that the complainant in order to pressurize the petitioner self



suffered the injuries on her person, upon seeing which the petitioner immediately took her to a local hospital for treatment. It is submitted that the complainant left the matrimonial home on the next date along with her brother and got herself medically examined so as to threaten and pressurize the petitioner. It is further submitted that the injury of the complainant which has been declared as grievous was also suffered by her due to breaking of the installed glass when she raised her hand.

3. Learned counsel for complainant submits that the petitioner since the very beginning of the matrimonial relationship had a very hostile behaviour towards the complainant, which was further aggravated due to the excessive liquor consumption by the petitioner. It is further submitted that on 11.08.2024, at about 04:00 PM, when the complainant was doing domestic chores in kitchen, the petitioner caught her from her hair and smashed her into the glass door of kitchen, because of which she received injuries upon her left wrist, little finger and right wrist. It was only after she raised hue and cry for help, that the petitioner fled away from the spot. The the condition of the complainant was so severe that she had to seek immediate medical help from the hospital. The severity of the beatings is also evident from MLR of the complainant, wherein one of the injuries suffered by her was even declared grievous in nature.

4. Learned State counsel while relying upon the contents of the status report dated 23.04.2025 submits that there are serious allegations of harassing the complainant for demands of dowry, and beating her on numerous occasions, the specific instance of the same being on 11.08.2024. It is submitted that after the complainant was severely beaten on that date by the petitioner, she visited a hospital and got her medical examination done. As per the MLR of the complainant the following injuries were inflicted upon her:



Sr.No.	Injury Details	Injury Number
1.	SUTURED WOUND OVER PALMAR ASPECT OF LEFT HAND MEASURING 6 CM • JUST ABOVE WRIST. JOINT MEDIALY (ULNAR SIDE) BLUISH DISCOLORATION OVER PALMAR ASPECT OF LEFT HAND MEDIAL ASPECT. ADVICE X RAY AND ORTHO OPINION	1
2.	SWELLING AND SUPERFICIAL INCISED WOUND MEASURING 1 CM X 0.5 MM OVER LITTLE FINGER DORSAL ASPECT JUST ABOVE BASE OF PROXIMAL FINGER. BLUISH DISCOLORATION AT BASE OF PROXIMAL PHALYNX OF LEFT LITTLE FINGER. ADVICE X RAY LEFT HAND /ORTHO OPINION	2
3.	SUPERFICIAL ABRASION 2 CM X 1 CM OVER MEDIAL SIDE OF LEFT HAND 4 CM BELOW BASE OF PROXIMAL PHALYNX OF LEFT LITTLE FINGER SURROUNDED BY BLUISH DISCOLORATION. ADVICE ORTHO OPINION	3
4.	MULTIPLE SUPERFICIAL ABRASION MARKS OVER RIGHT FOREARM MAX. 3 X.2 CM, IN DIMENSION MEDIAL ASPECT OF RIGHT FOREARM. ADVICE X RAY RIGHT FOREARM	4

As per the opinion of the doctor, injury No.2 suffered by the petitioner was grievous in nature. In view of serious allegations levelled against the petitioner, he does not deserve the concession of anticipatory bail.

5. Heard the rival submissions made by both the parties.

6. Vide order dated 20.09.2024, at the asking of the learned counsel for the petitioner, the parties were referred to the Mediation and Conciliation Centre, Amritsar, for exploring the possibility of an amicable settlement, which as per the report of the Mediator dated 29.10.2024 could not be arrived at.

7. In ***Srikant Upadhyay and others vs. State of Bihar and another, 2024 (INSC) 202 (SC)***, Hon'ble Supreme Court held as under:

“It is thus obvious from the catena of decisions dealing with bail that even while clarifying that arrest should be the last option and it should be restricted to cases where arrest is imperative in the facts and circumstances of a case, the consistent view is that the grant of anticipatory bail shall be restricted to exceptional circumstances. In other words, the position is that the power to grant anticipatory bail



under Section 438, Cr.P.C. is an exceptional power and should be exercised only in exceptional cases and not as a matter of course. Its object is to ensure that a person should not be harassed or humiliated in order to satisfy the grudge or personal vendetta of the complainant. (See the decision of this Court in HDFC Bank Ltd. v. J.J.-Mannan & Anr. 2010 (1) SCC 679).

*Further, it was clearly observed in para NO. 24 of the judgment (supra) that “**though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule.** It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the Court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously, defying orders and keep absconding is not entitled to such grant.”*

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

9. The general rule, put tersely, may be of bail, no jail; however, a just exception may be taken where there are circumstances which might thwart the course of justice. The antecedents of the accused or the probability of the accused fleeing, intimidating witnesses or tampering with



the evidence, inter alia, weigh in heavy before the Court when dealing with a petition for the grant of anticipatory bail.

10. *Prima facie*, there are serious allegations against the petitioner of harassing the complainant and giving her beatings. As per the MLR of the complainant, four injuries were found on her person, one of which was declared grievous in nature. Therefore, this Court is not inclined to grant the discretionary relief of anticipatory bail to the petitioner in the present case, wherein custodial interrogation of the petitioner might be required to unearth the true dimension of the alleged occurrence.

11. In the light of the foregoing discussion, the instant petition stands dismissed.

12. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

29.05.2025

Kavita

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No