

CRM-M-21153-2025

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

**CRM-M-21153-2025
Reserved on: 16.05.2025
Pronounced on: 23.05.2025**

RONNIE SINGH SALH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vinod Ghai, Senior Advocate with
Mr. GPS Ghuman, Advocate,
Mr. G.S. Ghuman, Advocate,
Mr. Arnav Ghai, Advocate and
Mr. R.S. Bagga, Advocate for the petitioner.

Mr. Manish Bansal, P.P., U.T., Chandigarh with
Mr. Alankrit Bhardwaj, Addl. P.P. and
Ms. Navreet Kaur Barnala, AAG, Punjab.

Mr. P.S. Ahluwalia, Advocate,
Mr. Veer Vikram Singh Mann, Advocate and
Mr. Harjot Waraich, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
69	22.03.2025	Civil Lines Patiala, District Patiala	109, 310, 115(2), 117(1), 117(2), 126(2), 351(2), 190 of BNS, 2023 (Sections 299, 191 of BNS added later on)

1. The petitioner, apprehending arrest in the FIR captioned above, came up before this Court under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [BNSS], seeking anticipatory bail.

2. In paragraph 30 of the bail petition, the petitioner declares that he has no criminal antecedents.

3. I have heard the learned counsel for the parties and gone through the facts, and their analysis would lead to the following outcome.

4. The initial facts are taken from the translated copy of the FIR attached with the bail petition as Annexure P-1. The FIR was registered based on a complaint made by Mr. Pushpinder Singh Bath, stating that he was serving as a Colonel in the Army and was

posted in Delhi.

5. On the intervening night of 13/14 March 2025, at 12:15 a.m., he, along with his son, Angad Singh, were enroute to their home in Patiala in their car. They stopped to eat at Harbans Dhaba, which is located closer to Rajendra Hospital, Patiala. His son, Angad Singh, had also invited his friend, Angad Talwar, to join them. While they were eating Maggie noodles, which were kept on the trunk of their car, Angad Talwar also arrived in his car.

6. At that point in time, a Scorpio vehicle came from the side of Rajindra Hospital and stopped there, and about 7-8 men in civilian clothes alighted from the said vehicle, which had blinking red and blue lights affixed on the top of its roof. One of them rudely told the complainant party to move the car, otherwise they would break their legs. On this, the complainant replied that he would move the car, but the tone of that person was inappropriate. On this, one of those persons punched the complainant in the face, hitting his spectacles, and the inner side of the glasses hit his nose, and he blacked out and fell on the ground. After that, they started kicking him while he lay on the ground. In between, his son Angad Singh tried to intervene, but he was also assaulted and beaten with fists and sticks. However, his son Angad Singh managed to get the complaint into their car, but they resumed attacking him.

7. When Colonel Pushpinder Singh Bath regained some consciousness, he apprised these people that he was a Colonel in the Army by showing his identity card. On this, one of the attackers snatched his identity card, and another person took his mobile phone, and they again started beating him. Angad Singh pleaded with them to return the service identity card of his father and not to beat his father, instead beat him and spare his father, the complainant. On this, one of the attackers said that they had just returned from an encounter, and if anyone survives, they can collect the identity card from ACP Civil Lines in the morning. When the complainant party tried to drive away, their car was attacked by the said persons with sticks and iron rods.

8. In between, Angad Talwar made a phone call to the complainant's wife and informed her about the incident. During the assault, some of the attackers had identified themselves as Harjinder Dhillon, Harry Boparai, Roni Singh (petitioner), and Surjit Singh. The complainant further stated that he could identify them if brought before him. They then returned to their home, and later, they were taken to Rajindra Hospital, Patiala, a government hospital, by the complainant's wife and other relatives. Based on this information, the above-captioned FIR was registered on 22 March 2025.

9. Upon examining Colonel Pushpinder Singh Bath and his son, Angad Singh, the doctors at Rajindra Hospital, Patiala, found both simple and grievous injuries on the person of the complainant and his son. The doctors did not mention any of the patients

smelling of alcohol or showing signs of intoxication. However, despite the nature of the injuries, which included a fracture and the recording of DDR No. 13 dated 14.03.2025 at the Police Post Model Town, Patiala, which falls under the jurisdiction of the Police Station Civil Line, the FIR was registered on 22.03.2025, i.e., eight days after the incident.

10. Before entry regarding DDR No.13, another DDR No.12 was registered in Police Station Model Town, Patiala on the statement of constable Randhir Singh against the complainant and his son on the allegations that both of them were under the influence of liquor and had used foul language and extended beatings to him on the issue of parking. He further stated that due to this, he suffered injuries and was admitted to the Sahara Hospital, Patiala.

11. On March 14, 2025, ASI Pawan Kumar, Police Post, Model Town, Patiala, wrote a statement of the petitioner, Ronnie Singh, and co-accused Randhir Singh in 'Sahara Multispecialty Hospital, Patiala', in an injured condition.

12. Although the doctors of Rajendra Hospital, Patiala, had endorsed findings of grievous injury and written 'fractures' in the MLRs of Colonel Pushpinder Singh Bath and his son Angad, no FIR was registered against the accused. However, on the next day, 15.03.2025, an FIR was registered for affray based on a complaint made by Karanjot Singh, the owner of the Dhaba where the incident had taken place.

13. The petitioner has annexed the translated copy of FIR No. 65 (Annexure P-2), and the facts are being taken from the same.

14. The complainant in the above-mentioned FIR was Karanjot Singh, who informed the police that he owned a shop in the name of Harbans Dhaba outside Rajindra Hospital, Patiala. He stated that on 13.03.2025 at 12:15 (hours) he was present with his servant Ramesh at this Dhaba. Then, on the left side of Dhaba, three persons came from the side of Samana Road, parked their Honda Civic Car on the way, and were drinking alcohol and eating something kept on the trunk of the car, and were standing in the middle of the road. On this, he and the passerby told them not to park the car in the middle of the road and not to drink. In the meanwhile, at around 12:30 hours, these people who were taking alcohol in their car had a minor scuffle with some unknown persons, who were also in another vehicle. The people who were present at the spot intervened and pacified them. After that, both groups fled from the spot. He stated that the occurrence had taken place because the occupants of the civic car had obstructed the way and were openly drinking, and when the passerby asked them to restrain from doing so, they still continued with the same.

15. The above-mentioned FIR No. 65 was registered under Section 194(2) of the

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BNS, which is analogous to Section 160 of the IPC, and provides a maximum sentence of imprisonment for a term that may extend to one month, along with a fine that may extend to Rs. 1000/-.

16. It is astonishing that the police immediately registered an FIR on finding an offence of affray. However, despite the earlier DDR disclosing injuries and fractures, i.e., simple as well as grievous hurt, no FIR was registered until March 22. At this stage itself, one begins to doubt the credibility, voluntariness, and truthfulness of the complaint made by the Dhaba owner.

17. After the registration of the FIR, the complainant, Colonel Pushpinder Singh Bath, filed a petition bearing CRM-M-16421-2025 under Section 528 of the BNSS before this Court, requesting transfer of the investigation of this case to the CBI. On 03.04.2025, a coordinate Bench of this Court had disposed of the said petition by passing the following order:

“Learned counsel for the petitioner as well as State of Punjab are ad idem that in the facts and circumstances of the case, the investigation of the FIR (supra) may be entrusted to an IPS Officer posted in U.T., Chandigarh, not from Punjab Cadre, to resolve the controversy involved in the present petition.

Accordingly, without commenting anything further on the respective claims of the parties as well as on the merits of the case, lest it may prejudice the case of either of the party, the present petition is disposed of with the consent of both the parties, in the following terms:

1. The Director General of Police, Chandigarh is directed to entrust the investigation of the FIR (supra) to an IPS Officer posted in U.T., Chandigarh, belonging to AGMUT Cadre, within a period of 01 week from the date of receipt of certified copy of this order.

2. The Investigating Officer is directed to conclude the investigation of the case within a period of 04 months and thereafter submit the report before the concerned jurisdictional Court.

The Director General of Police, Punjab, is directed to give full cooperation to the Investigating Officer in the investigation of the case.

A copy of this order be given to learned Public Prosecutor, U.T., Chandigarh, for information and strict compliance.”

18. After that, pursuant to the aforesaid order, the investigation was transferred accordingly, and SIT was constituted, headed by the Superintendent of Police, Headquarters and Intelligence, UT.

19. Apprehending arrest, the petitioner filed an anticipatory bail petition before this Court under Section 482 of BNSS, which was registered as CRM-M-18136-2025. Vide order dated 02.04.2025, a coordinate Bench of this Court disposed of the said petition on the grounds that the petitioner had not approached the Sessions Court first but had instead filed a petition before this Court. However, liberty was granted to the petitioner to approach the Sessions Court first.

20. Subsequently, the petitioner filed an anticipatory bail petition before the Additional Sessions Judge, Patiala, which was registered as BA-1119/2025. However, the same was dismissed vide order dated 11 April 2025.

21. Feeling aggrieved, the petitioner has come up before this Court by filing the present petition under S. 482 BNSS, seeking anticipatory bail.

22. The Superintendent of Police, Headquarters & Intelligence, UT Chandigarh, filed a status report, which the State of Punjab adopted. In response to a query from this Court, the Investigator present in the Court stated that they had made efforts to arrest the petitioner, and in the event of the petition being dismissed, they would arrest the petitioner. The Counsel representing the State sought dismissal for custodial interrogation of the accused and his pre-trial custody to protect witnesses and to ensure a fair investigation.

23. There is a video clip, which forms part of the reply filed by the respondent, Union Territory of Chandigarh, and which this Court has also viewed.

24. This video recording is of CCTV footage being played on the LED screen of Harbans Dhaba, and a video recording of the screen is stated to have been copied in a pen-drive, which is attached to the documents. There is no legal prohibition against such a video recording being proved. The only requirement would be to prove that the CCTV recording was untampered till the time it was played on the LED system of the Dhaba, and further that the smart phone in which the video from the LED screen was made, remained untampered. After viewing the video, based on experience, this Court prima facie does not doubt that it was a deepfake or that it has been tampered with. However, this fact is subject to investigation and trial. This Court is not making any observation for the purpose of the trial, but the observations are only for the purpose of deciding bail.

25. Because the video was being recorded on the LED screen, its quality deteriorated, and as such, this Court is referring only to those video clips that are clear and discernible. It is visible that people are taking food jointly, 2-3 cars were parked horizontally to the road towards Dhaba. The atmosphere in the Dhaba looks normal, and there is no unusual activity. The congenial environment of Dhaba is disturbed by the arrival of a jeep, which has blinkers placed on the top, and blue and red lights are blinking continuously but

alternatively. In our country, only the Armed Forces, police, ambulances, and fire brigades are allowed to use blinkers on vehicles. It is not even the case of the petitioner that the vehicle did not have blinking lights on top of it. Even when this Jeep had stopped, the lights continued to blink until the end.

26. Some unusual activity is noticed after a brief gap of time when the people who were taking food at Dhaba start looking towards the police vehicle, and some of them start going towards it. After some time, a person is seen coming towards the back of the vehicle and is being beaten by many. However, it is not feasible to discern who was beating whom. Though it can be visualized that one person had come where the common people were sitting, having food, and he scared them away, after which all of them fled from the spot. It appears that the intention was to make the independent witness flee from eating at the Dhabha, to clear out any witnesses and to assault the father and son in isolation, to minimise any chances of any good Samaritan intervening, and also to conceal the evidence. One thing that can be clearly noticed is that the beatings were being inflicted by using sufficient force, and when one of the persons being assaulted succeeded in getting back inside the safety of their car, he was dragged out by some persons and again violently thrashed.

27. All of this in the video recording corroborates the complainant's version, which is that while they were having Maggie, a police vehicle arrived at the spot, someone amongst the police officials instructed them to move their vehicle, citing its improper parking. To which, complainant Colonel Pushpinder Singh Bath objected, pointing out the rude manner in which the police party had asked them to move their car, which infuriated the temper of the police party to such an extent that being enraged they threw caution to the wind and proceeded to assault the complainant party black and blue. One thing is also explicitly clear from the video that not even a single police officer came to break up the fight or to ask their colleagues to stop the beatings or not to take the law into their own hands, calling it enough. In the video, none of the accused is seen stopping those involved at the time of the beating.

28. During the course of arguments, counsel for the complainant did not make any request not to mention injuries sustained by the complainant, Pushpinder Singh Bath, as well as the other victim, Angad Singh, in the bail order. Even otherwise, in the opinion of this Court, to adjudicate the present bail petition, one of the most important facts is the medico-legal report and, as such, it would be expedient to mention the same, which reads as follows:

“1. A DIFFUSE SWELLING IS PRESENT ON THE BACK OF LEFT FOREARM INCLUDING LEFT ELBOW JOINT. TENDERNESS IS PRESENT. DIFFICULTY IN MOVEMENT OF THE LIMB ADV XRAY AND ORTHO OPINION. 2. A REDDISH ABRASION OF SIZE

1.5 X 0.5 CM ON THE ROOT OF NOSE. ADV XRAY AND ENT OPINION.

3. A REDDISH ABRADED BRUISE OF SIZE 2 X 1 CM PRESENT ON THE RIGHT SIDE OF FACE PLACED 1 CM LATERAL TO LATERAL CANTHUS OF RIGHT EYE. ADV XRAY AND ENT/EYE OPINION.

4. A REDDISH BARDED BRUISE OF SIZE 2 X 0.9 CM PRESENT ON THE BACK OF RIGHT ELBOW JOINT. ADV XRAY AND ORTHO OPINION.

5. A REDDISH BRUISE OF SIZE 5 X 3 CM PRESENT ON THE LEFT SIDE OF THE BACK JUST ABOVE THE HIP. ADV XRAY AND ORTHO OPINION.

IN MY OPINION:

INJURY NO. 1 WAS GRIEVOUS IN NATURE

INJURY NO. 2, 3, 4 AND 5 ARE SIMPLE IN NATURE

1. AN IRREGULAR SUTURED WOUND OF LENGTH 2 CM PRESENT OBLIQUELY WITH 2 BLACK INTERCEPTING SUTURE MATERIAL PRESENT IN SITU IS PRESENT ON THE LEFT SIDE OF FOREHEAD PLACED 5 CM ABOVE THE MIDDLE OF LEFT EYEBROW. ASSOCIATED WITH REDDISH BRUISE. ADV X RAY AND SURGERY OPINION.

2. A REDDSIH BRUISE OF SIZE 2 X 1 CM PRESENT ON THE LEFT SIDE OF FACE JUST LATERAL TO LATERAL CANTHUS OF LEFT EYE. ADV X RAY AND EYE OPINION.

3. A REDDISH BRUISE OF SIZE 6 X 2 CM PRESENT ON THE BACK OF RIGHT FOREARM PLACED 4 CM FROM THE WRIST JOINT. ADV X RAY AND ORTHO OPINION.

4. A REDDISH BRUISE OF SIZE 18 X 2 CM PRESENT ON THE BACK OF LEFT FOREARM INCLUDING THE LEFT ELBOW JOINT. ADV XRAY AND ORTHO OPINION.

5. A REDDISH BRUISE OF SIZE 12 X 4 CM PRESENT ON THE BACK OF LEFT ARM PLACED 5 CM BELOW THE SHOULDER. ASSOCIATED WITH SWELLING, ADV XRAY AND ORTHO OPINION.

6. MULTIPLE REDDISH IMPRINT BRUISES 4 IN NO. OF SIZE VARYING FROM 28 X 3 CM TO 12 X 2.5 CM PRESENT ON THE ENTIRE BACK. ADV XRAY AND ORTHO OPINION.

7. A REDDISH ABRADED BRUISE OF SIZE 5 X 2 CM PRESENT ON THE LATERAL ASPECT OF RIGHT LEG PLACED 26 CM

ABOVE THE RIGHT LATERAL MALLEOLUS. ADV XRAY AND ORTHO OPINION.

8. A REDDISH ABRADED BRUSIE OF SIZE 2 X 1 CM PRESENT ON THE LATERAL ASPECT OF LEFT KNEE JOINT. ADV X RAY AND ORTHO OPINION. IN MY OPINION:-

INJURY NO. 1 WAS GRIEVOUS IN NATURE

INJURY NO. 2, 3, 4, 5, 6, 7 AND 8 ARE SIMPLE IN NATURE

29. Learned senior counsel for the petitioner has disputed the invocation of Section 109 BNS and submits that there was neither any intention to cause murder nor any injury caused on any vital portion of the body to bring the alleged assault as a violation of S. 109 BNS, which corresponds to S. 307 IPC.

30. Counsel for the State and counsel for the complainant have supported the invocation of Section 109 BNS.

31. However, this Court is leaving this question at the stage of filing the final police report and also at the stage of framing charges by the trial Court. For adjudicating the present bail petition, this court is of the considered opinion that, given the entirety of facts and circumstances, it is immaterial whether Section 109 BNS is prima facie made out or not, for the following reasons.

32. Hypothetically, if the offence is not found to be falling in the parameters of S. 109 BNS, then it has to be downgraded to the other penal provisions dealing with assault, and the offence, prima facie, would fall under S. 118(2) of BNS, because the Dandas were being used as weapons by highly trained and adequately skilled Police officers in such brutal manner that it would bring the Danda(s) in the category of dangerous weapon. Thus, non-mentioning of S. 118(2) of the BNS Act is insignificant because of the invocation of S. 109 of the BNS, which is an offence of a higher degree in the same species.

33. The SIT has recorded a statement from Angad Singh and a supplementary statement from Colonel Pushpinder Singh Bath under section 180 BNSS, 2023 (previously 161 CrPC, 1973). Angad Singh stated that the petitioner, Ronnie Singh, beat his father with a Danda, and afterwards, the accused persons assaulted him with their weapons. Colonel Pushpinder Singh Bath mentioned in his statement that the accused had beaten his son Angad with Dandas. Although Colonel Pushpinder Singh Bath did not claim that he was also beaten with a Danda, this Court cannot overlook the following factors: first, he blacked out and would be unaware of the injuries inflicted at that time; secondly, a coordinate bench was not satisfied with the fairness of the investigation and transferred it to the UT Police; and lastly, the accused are yet to be interrogated and the weapons used in the offence have not been recovered so far.

34. The allegations of the complainant and his son are duly corroborated by the medical evidence noted by the Rajendra Hospital, a government hospital, which mentioned the weapons as blunt. Both Colonel Pushpinder Singh Bath and his son Angad Singh, in addition to other injuries, had also received one grievous injury each. The video footage also corroborates the use of Danda.

35. Some of the weapons of offence that were seen in the video clip being used against the victims were Dandas. Whether Danda can be a weapon of offence is more a question of common sense than law or forensics. If an old, sick, frail, or a child uses a Danda, the resultant impact of such a blow would be minor, less damaging due to the underlying physical limitations; however, if a seasoned, proficiently trained officer belonging to forces, familiar and adept in use of a weapon, uses a Danda applying sufficient force, the consequential damage to the target would, without a doubt, be more serious and compoundly different. In the present case, the force of the Danda was so strong that it caused a grievous injury to both the victims, and certainly, injuries and the corresponding impact would be so sudden, that even if there is a minor discrepancy in their versions, still, it would bring the Danda in this background into the category of a dangerous weapon.

36. In *Bharwad Jakshibhai Nagjibhai v State of Gujarat*, [<http://judis.nic.in/>], 1995 SCC (5) 602, Hon'ble Supreme Court, while dealing with an appeal against conviction, holds,

Coming now to the contention of Mr. Ramaswamy that the facts that most of the members of the assembly only carried ordinary sticks, a few of which according to the prosecution were recovered from the houses of the accused-appellants clearly indicated that the common object of the unlawful assembly was only to cause simple hurt we can only say that even if we accept his contention, still the accused appellants would be liable for the offence of causing grievous hurt as Section 149 IPC applies not only to offence actually committed in pursuance of the common object but also the offence that members of the unlawful assembly knew was likely to be committed; and it would be impossible in the facts of this case to hold that the members of the unlawful assembly did not know that grievous hurt was likely to be committed by an unlawful assembly, as large as the one with which we are concerned here some of whom were armed with dangerous weapons. Accordingly, even if the common object be not placed as high as murder as contended by Mr. Lalit, the conviction of the accused-appellant under Section 326 IPC simpliciter or 326 read with 149 IPC as the case may be for the assaults on Govindbhai and Vinod has got to be upheld.

37. In *Pravat Chandra Mohanty v. The State of Odisha*, Cr.A 125-2021, decided on 11 Feb 2021, the Hon'ble Supreme Court, while adjudicating an appeal against conviction, holds,

[22]. Emphasis of learned counsel for the appellants is that only lathi and wooden batten were alleged to have been used as weapons of offence, use of which weapons cannot be said to be likely to cause death. MO.IV was a bamboo lathi and Mo.VII was a wooden batten. Section 324 IPC uses the examination of “weapon of offence”. The submission cannot be accepted that use of wooden lathi and batten are weapons which are not likely to cause death. Wooden lathi and batten are the weapons which are usely possessed by the police and the submission cannot be accepted that the injuries cannot be caused by wooden lathi and batten which may cause death. It depends on the manner of use of the wooden lathi and batten.

38. Section 116(g) of the BNS includes fracture or dislocation of a bone as a ‘grievous hurt’. Further, § 117 of the BNS makes it an offence when ‘grievous hurt’ is voluntarily caused, and such offence is punishable under Section 118(2) of the BNS, 2023, if it involves dangerous weapons or means. Section 118(1) mentions the nature of ‘hurt’ and also mentions provocation, but §118(2) of the BNS clarifies that, except in cases covered under §122(2) of the BNS, the sentence for ‘grievous hurt’ by any means referred to in §118(1), can extend to life or with imprisonment for a term that shall not be less than one year but may extend to ten years.

39. Part I of the First Schedule of BNSS, 2023 (corresponding to Part I of the First Schedule of the CrPC, 1973) provides the framework for determining whether an offence isailable or non-ailable based on the prescribed punishment and specifies offences punishable under § 118 (1) and (2) as Non-Bailable.

40. In the present case, the nature of the injuries does not bring the offence within the exceptions of §§ 118(2) of BNS or 122 of BNS. Thus, what is required to be gathered is intention and knowledge. The petitioner’s claim of being provoked is contradicted by their argument that they were in plain clothes. Further, there was no justification for the petitioner and his accomplices to be provoked, and there was no occasion for the complainant and his son to provoke them. This fact is also clarified from the sequence of events that led to the assault, as described in the preceding paragraphs.

41. There is no reason to doubt the complainant’s version that he was serving as a Colonel in the Indian Army, which, without laying down any law, would be equivalent to the rank of Senior Superintendent of Police or Police Commissioner. There is also nothing to cast a doubt on the fact that the complainant, Colonel Pushpinder Singh Bath, was posted in Delhi and was returning to his house at Patiala.

42. There is no question as to doubt why a Colonel stopped at a roadside Dhaba, when he had reached Patiala at midnight, because that would depend on a multitude of factors like how hungry one is at that moment, one’s convenience, etc. At midnight, if someone wants to skip dinner and take light snacks, as the complainant, Colonel Pushpinder Singh Bath, and his son were doing, it is their personal life and personal choice. Regarding the complainant taking snacks/Maggi noodles while keeping it on the

bonnet of his car, this is also not disputed because of the footage in the video clip all the tables appear to be occupied at that time.

43. Even if we assume that the complainant was rude to the police when asked to move their vehicle, it is worth noting that the officials were in a car with its standard emergency blue and red lights on. Common sense/knowledge dictates that any sane individual or even an illiterate person would be more pliable, considerate, attentive and respectful to someone representing such authority, and would generally only counter disrespect when met with disrespect in the first place, as the saying goes 'respect begets respect'.

44. Even if it is hypothetically assumed that the victims had wrongfully parked their car on the roadside, still the job of a law enforcement officer is to issue a challan (Ticket) to that motor vehicle which has violated any such law. It is not the job of any trained law enforcer, skilled in the efficient use of force continuum to mete out unmerciful, furious beatings to a common man on the drop of the hat and disrespect civilians, wielding their authority to disregard and disrupt law and order themselves. It appears that this was an unfortunate case of gross misuse of emergency powers under the Police Act. The callous and violent way in which these police officers are seen to be beating those two people visibly, clearly demonstrates an inhumane, aggressive and arrogant attitude of a cruel mindset which is uncharacteristic of what our respectable and valiant police force actually represents. This vile, uncivilized, pitiless and brutal way is not the manner in which a police force ought to behave with its people, anywhere, and especially, in a democratic country like ours.

45. The prime duty of the police is not to instill fear in the minds of public using unwarranted force but to secure observance of law and order and to bring that goal to fruition, a pre-requisite is adherence to and respect for legal framework itself. It is common knowledge that the majority of the people, especially the poor, downtrodden, and illiterate, have been deeply conditioned to be afraid of the police, harboring a fear of them in the hearts of hearts. It is behavior like that as seen in the present case, exhibited by a thin minority of officials, which inspires such fear and terror and is exemplary of incidents fuelling such narratives. On the contrary, the purpose of the police force is to impartially, without fear or favour, and without biases, take care of its people, with sensitivity, affection, empathy and kindness on the one hand; while being firm, honest and astute on the other, using reasonable force when it is inevitable to control hooliganism and criminality.

46. The complainant's case is that, despite informing the police officers of his identity as a Colonel in the Indian Army and showing his identity card, the police officers did not stop with their thrashing, which further highlights the high headedness, cruelty, arrogance and lack of any empathy of the police team.

47. The most disturbing aspect of this incident is that the accused, well aware of their duties as serving police officers despite coming to know through the identity card of the victim that he was a colonel in the army, showed zero signs to stop, snatched his Id card, intimidated him, threatened his life and continued to unsparingly beat him. Such conduct of the police team in brutally beating an individual, even after being made aware that he was a serving member of the armed forces reflects the mindset of some of the police officers in this part of the country. We must not forget so early that this region is closer to a hostile border, has a history of militancy, and is still battling cross-border narco-terrorism.

48. If it was the assault alone which was the problem, the gravity of the issue would have been different, the fact which makes the entire episode even more worrisome is the non action of the senior officers to make sure that an FIR was registered without delay, to bring perpetrators to justice. A fundamental aspect which must be thoroughly investigated by a senior level police officer and certainly not less than of the Senior Superintendent of Police is the manner in which FIR No.65 was registered under 194(2) BNS in Police Station Patiala based on the complaint of Dhaba owner and non-registration of FIR 69 earlier, despite involving a grievous injury and a complaint about causing assault. Even if, the complainant was not Colonel Pushpinder Singh, but his son, who is not a defence personnel, and appears to be a civilian, the complaint should have been registered. Despite the complainant disclosing his identity as a serving Colonel, the FIR was not registered till 22.03.2025. This shows the State has empowered its police officers to such an extreme extent that they are not even bothered to register a case based on a complaint made by a colonel-level officer of the Army. It is both, alarming and disheartening, that senior-level police officers did not intervene and did not issue any directions for the registration of an FIR. The complainant had to wait for eight long days for registration of the FIR, which according to the complainant's counsel was done only when there was a public furore. On the contrary an FIR of affray was registered on the same day. If this paints any picture of the ground level reality, one can only imagine the plight and helplessness of a common man.

49. It appears that these police officers were oblivious to the significance of the positions they held, where they are duty bound to maintain law and order in a country which is sovereign because of the sacrifice and efforts of millions of courageous, selfless people including but not limited to those in the Police, Para Military, and the defence forces to which the complainant belonged. If the police officers display such brutality, high handedness and disrespect towards the members who belong to our esteemed defense services, such a reprehensible conduct would certainly be against the whole Nation and may even imply that such officers would be happy to serve any ruler, which defies the entire purpose for which a democracy would give them so much power in the first place.

50. [Cruelty] implies there is something inhuman and barbarous -something more than the mere extinguishment of life.¹ The offense is heinous, and the crime brutal. Cruelty is one of the important factors in deciding on bail. A cruel person amok is a potential threat to the well-being, safety and security of those around, much like a landmine waiting to explode on the slightest pressure. Once the courts form a prima facie opinion that the accused acted with cruelty, they should ordinarily not grant bail. If the courts deem it appropriate to grant bail, it must be after specifying the reasons for such an indulgence. In the present case, an analysis of the allegations and evidence collected does not warrant the grant of bail to the accused.

51. Regarding the identity of the present petitioner, the reply has been filed by the SP, UT, Chandigarh, in which the petitioner's identity is confirmed as one of the members of the police team that assaulted the victims. Even the petitioner's counsel during arguments did not raise any arguments about identification, and the only dispute was about admission, to which this Court is not even contemplating.

52. Another perturbing aspect is that the accused attempted to fabricate evidence by getting treated in a private hospital. Such deviously crafty behavior and conduct is distressing as it portrays an assumption of possessing unfettered powers, as such officers are Emperors of their police jurisdiction, which can never be the intent of legislature. They could have gone to Rajindra Hospital, which was located near the scene of the assault and was government-run, but probably realizing that the doctors there might still be independent, they chose a private hospital from which they could have received favors by leveraging their influence. It appears they succeeded in this, but it has had no consequences.

53. There is no doubt that the petitioner and his accomplices were the aggressors who started assaulting the complainant and his son on a parking issue, simply because the manner in which they demanded complainant party's car to be moved was objected to by the latter. Despite the complainant claiming to be a Colonel in the Indian Army, they did not stop and continued to beat him. When one of the victims managed to get inside the car, he was pulled out and beaten again. This horrific, gut wrenching incident showcases the complete misuse of police power by these officers. Not taking a serious note of such a deplorable and inexcusable act by some high level police officials, some being at Inspector level, would not only put the safety and dignity of our nation and the entire society at peril but would also be a heavy blow to the high standards of morals, values and ethics, the majority of the brave hearts in these honorable defence and police forces stand for and represent.

54. A perusal of the bail petition and the documents attached prima facie points

¹ In re Kemmler, 136 U.S. at 436 [Refer: Matthew Lippman, Contemporary criminal law: concepts, cases, and controversies, University of Illinois at Chicago, 51, SAGE, California, USA, fourth edition, 2016].

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towards the petitioner's involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

55. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

PETITION DISMISSED. All pending applications, if any, are disposed of.

**(ANOOP CHITKARA)
JUDGE**

May 23, 2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: YES.