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

**CRM-M-29563-2025
DECIDED ON: 27.05.2025**

SAJAN

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. K.S. Brar, Advocate
for the petitioner.

SANDEEP MOUDGIL, J**1. Prayer**

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. of 29 Dated 24.01.2025 (Annexure P-1) U/s 109, 126(2), 115(2), 118(1), 324(1), 324(4), 191(3) and 190 of Bharatiya Nyaya Sanhita, 2023 (B.N.S.) (307, 341, 323, 324, 427, 148 and 149 of IPC), Registered at Police Station District City Faridkot, (Annexure P-1). Faridkot, Punjab.

2. Facts

Prosecution story setup in the present case, as per the version in the FIR, reads as under:-

“Statement of Mohit Pal son of Ram Chand, R/o Guru Teg Bahadur Nagar, Street No. 3, Faridkot aged about 24 years Mob. No. 85596-85639, Stated that I am resident of the above said address and I am doing the work of the AC Repair Yesterday on 23.09.2025 at about 9:15 PM I alongwith my friend Harneet Singh after paying obeisance

at Baba Farid Sahib was returning in the car of Harneet Singh bearing no. DL 8C AB 6200 make Cruze and was going to our home and when we were passing through the street of old jail (Bacheya Wali) Jail, then we were encircled by a car swift dzire and two Motorcycle with 03/03 riders came and parked them in front of our motorcycle and stopped us and one more car i20 came and was parked back side of our car and from the motorcycle 15-16 persons alighted from their vehicles while armed with Kapa and Kirpan and started damaging my car which was driven by me. That when I along with my friend tried to come out of the car, then Sajjan, R/o Street No. 08, Dogar Basti gave kapa blow towards me and then in order to save me I raised my left hand and the blow landed on his left thumb and he again gave kapa blow which hit on his front side of the head, then Kamma gave a kirpan blow hitting him on his right elbow, Manga gave him a kirpan blow hitting him on his left arm near wrist and elbow, Laddu resident of Dogar Basti gave a blow of Kapa which hit on his left arm near wrists and elbow, Gaggi R/o Mohalla Khokhar Wala, Mandir Wali Gali, gave kirpan blow hitting on the left ring finger that my friend Harneet Singh escaped by hiding him in the nearby street. All the unknown person caused injuries which hit on my right Arm, back, neck, right knee etc. and they also damaged on car with kirpan and kapa, that I do not know names of the unknown person, who were with them but I can identify them if they come in front of me. That on seeing the fight people gathered there and all the accused fled away from the place of occurrence with their respective weapons in their cars and motorcycles. That my friend Harneet Singh got me admitted in the hospital where my treatment is going on. The motive behind this occurrence is that 10 days earlier there was fight with owner of Sangam Hotel Ajay and their friend Romi with Sajjan and Gadar and when we came to know about the fight then I and Harneet went to enquire about the wellbeing of Ajay and Romi at Sangam Hotel. That all of them by nursing the grudge that we went for the help of Romi and Ajay have parked their motorcycle and car in front of our car heavy attacked us with intention to kill us and given

us injuries and have damaged our car that during fight my gold chain was lost that legal action be taken against the above said accused. I have recorded my statement which is true and arrest one Sd/ Mohit Pal verified Harneet Singh son of Manjeet Singh, resident of Shri Guru Teg Bahadur Nagar, Faridkot attested Harcharan Singh ASI PS City Faridkot, Dated 24.01.2025.”

3. **Contention**

On behalf of the petitioner

It has been contended by learned counsel for the petitioner that he has been falsely implicated in the FIR, as there is no evidence to suggest that he committed the alleged offense. Furthermore, the injuries sustained by the complainant have not been declared life-threatening. The addition of Section 109 of the Bharatiya Nyaya Sanhita, 2023 (BNS) in the FIR appears to be an attempt to aggravate the offense. It is an admitted fact that there was a prior dispute between the complainant and the accused party.

Notice of motion.

On behalf of respondent-State

At the asking of Court, Mr. Jastej Singh, Addl. AG, Punjab accepts notice on behalf of respondent-State. He prays for dismissal of the present petition stating that as per the FIR, the petitioner gave kappa blows twice on the person of the complainant, out of which one blow hit on the left thumb of the complainant and another hit on the front side of the head of the complainant.

4. **Analysis**

In case of criminal investigation, the normal procedure prescribed for curtailing the right to life & liberty, is that the investigating officer can arrest the accused even without warrant. The Court has extraordinary power to protect an

innocent person. However, this power has to be exercised by the Courts with due circumspection.

Adverting to the facts of the present case wherein, a specific allegation has been levelled against the petitioner that he inflicted a *kappa* blow on the thumb as well as on the head of the complainant, which is a vital part of the body, thereby causing serious injury. Such an act reflects the petitioner's intent to kill and the severity of the offence.

More so, investigation is still going on in the present case. It is settled proposition of law that power exercisable under Section 438 Cr.P.C. (Section 482 BNS, 2023 now), is somewhat extraordinary in character and it is to be exercised in exceptional cases. The Supreme Court in *“State vs. Anil Sharma”*; (1997) 7 SCC 187, held as under:-

“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 favourable 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 material 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 needs 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.”

5. **Conclusion**

Furthermore, custodial interrogation of the petitioner is essential for the purpose of recovering the weapon of offence and for facilitating further investigation so as to bring it to its logical conclusion.

In the light of these circumstances, the petition is devoid of merit and is accordingly dismissed.

27.05.2025

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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*