



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

213

CRM-M-2909-2025

Date of decision: 14th February, 2025

Palwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Yashpal Thakur, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

Mr. S.S. Sodhi, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 128 dated 23.09.2024 registered under Sections 333, 191(3), 190, 115(2) and 118(1) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and with offence under Section 118(2) of BNS having added later on, at Police Station Sirhind, District Fatehgarh Sahib, Punjab.

2. As per the allegations, the aforementioned FIR was registered on the basis of statement got recorded by the complainant-Nishan Singh on the allegations that on 22.09.2024, the accused Amarjit Singh had slapped his brother Kaptan Singh and when the complainant questioned him, then petitioner and co-accused Amarjit Singh who were armed with swords



reached there and petitioner struck blows with the sword on the person of the complainant whereas accused Amarjit Singh caught hold of him. The complainant and his brother sustained injuries at their hands. On raising rescue alarm, the co-accused Shingara Singh and others reached there armed with sticks and they too extended beatings to the complainant. Apprehending his arrest, present petitioner had moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Fatehgarh Sahib, which was dismissed vide order dated 22.10.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. Infact, on the fateful day, i.e. 22.09.2024, his wife was alone in her house when the complainant Nishan Singh and his brother Kaptan Singh forcibly entered therein. They were armed with weapons and they were tried to commit rape upon his wife. Her clothing had been torn off by them. She had raised clamour. The petitioner and his brother-in-law Amarjit Singh, who were even otherwise going towards their house, had reached at home and they too were assaulted. Amarjit Singh had even been taken to hospital. The petitioner and Amarjit Singh had used weapons only to save his wife-Kirti. A complaint was lodged by them but no FIR has been registered. The complainant party was the aggressor party. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. The co-accused Shingara @ Singrara has been extended benefit of pre-arrest bail. Therefore, it is urged that he too deserves to be extended benefit of pre-arrest bail.

4. Status report has been filed by respondent-State. It is argued by



learned Senior Deputy Advocate General, Punjab, that there are specific allegations against the petitioner, who had formed membership of an unlawful assembly with the co-accused and had opened an attack upon the complainant and his brother. The injuries sustained by his brother has been opined to be grievous in nature. The brother of the complainant had even undergone surgery. The offence under Section 118(2) of BNS has been added during the course of investigation. The injuries sustained by the injured have been mainly attributed to the petitioner. No extra ordinary or sparing circumstance has even otherwise been made out for the purpose of extending benefit of pre-arrest bail to the petitioner. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have formed an unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly, he is alleged to have caused injuries to the complainant and his brother. Though the stand taken by the petitioner is that the injuries were caused to defend his wife from the members of the complainant party, however, this argument has to be considered on the basis of evidence to be produced during trial. Specific overt act has been attributed to the petitioner. Keeping in view the nature of the allegations as levelled against the petitioner, his acts cannot be stated to be at parity with the co-accused Shingara, who has been extended benefit of pre-arrest bail. No extra ordinary or sparing circumstance has even otherwise been made out. For conducting thorough investigation in the matter, the custodial interrogation



of the petitioner is must. It is also well settled that the Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extraordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

14th February, 2025

Parveen Sharma

1. Whether speaking/ reasoned

: Yes / No

2. Whether reportable

: Yes / No