



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

104

CRM-M-6568-2025

Date of decision: 5th February, 2025

Sukhdeep Singh @ Mintu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Navjot Singh, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

Mr. Inderjit Sharma, 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. 87 dated 07.12.2024 registered under Sections 109, 351(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 25 and 27 of Arms Act, 1959 at Police Station Sadar Rampura, District Bathinda.

2. The aforementioned FIR had been registered on the basis of statement recorded by the complainant Harinder Singh on the allegations that on 06.12.2024, he was going towards the house of his friend Bharpur Singh when on the way, he was intercepted by the present petitioner and co-accused Hardial Singh and Gurfateh Singh. The accused Hardial Singh raised a lalkara and thereafter, the petitioner fired two shots with a weapon



which he was carrying in his hand. One of the shots hit on right bicep of the complainant and he had fallen down. Another shot hit the wall. The clamour raised by the complainant, attracted his friend who was living nearby and he saved the complainant from the clutches of the petitioner and the co-accused. The assailants then fled away from the spot. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, present petitioner had moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Bathinda which was dismissed vide order dated 27.01.2025.

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. There is delay of 24 hours in reporting the matter to the police, which has not been explained. A concocted story has been planted upon him. He does not have any criminal antecedents. Trial is likely to take time. He is ready to join the investigation. His custodial interrogation is not required. Therefore, it is urged that he deserves to be extended benefit of pre-arrest bail.

4. Mr. Inderjit Sharma, Advocate has put in appearance on behalf of the complainant and has filed his power of attorney.

5. On the other hand, learned Senior Deputy Advocate General, Punjab, who has appeared on advance notice of the petition and is ready to argue the matter, assisted by learned counsel for the complainant, has argued that the allegations against the petitioner are quite serious in nature. The petitioner had inflicted injuries to the complainant. There are chances of petitioner's absconding or intimidating the witnesses, if extended benefit of



bail. Custodial interrogation of the petitioner is required for conducting thorough investigation in the matter. No extra ordinary or sparing circumstance has even otherwise been made out for the purpose of extending benefit of anticipatory bail to the petitioner. Therefore, it is urged that the petition does not deserve to be allowed.

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

7. As per the allegations, the petitioner in connivance with the co-accused, had caused injuries to the complainant. The allegations against the petitioner are serious in nature. For the purpose of conducting thorough investigation in the matter, custodial interrogation of the petitioner is must. It is well settled that the judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant's fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. Moreso, the powers for grant of anticipatory bail must be exercised in exceptional and extra ordinary circumstances, whereas, in the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. Keeping in view the gravity of allegations as levelled against the petitioner and the above discussed facts and circumstances of the case, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.



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

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

[MANISHA BATRA]
JUDGE

5th February, 2025

Parveen Sharma

1. <i>Whether speaking/ reasoned</i>	:	<i>Yes / No</i>
2. <i>Whether reportable</i>	:	<i>Yes / No</i>