

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:116515



CRM-M-41528-2025 (O&M)

Reserved on:21.08.2025

Date of decision:29.08.2025

Sahil

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Mr. Roshandeep Singh, AAG, Punjab.

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MANISHA BATRA, J.

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case arising out of FIR No.26 dated 14.04.2024, registered under Sections 452, 324, 326, 427, 506, 148, 149 IPC, at Police Station Raja Sansi, District Amritsar Rural.

2. Brief facts of the case relevant for the disposal of this case are that the aforementioned FIR was registered on the basis of the statement recorded by the complainant-Vishal on 14.04.2024 alleging therein that on 26.02.2024, at about 6.00 pm, he was standing near the liquor vend at new station when the present petitioner along with accused Akash alias Akke, and one unknown person came towards him. Co-ccused Akash alias Akke started hurling abuses to him. On resisting, he slapped the complainant and thereafter co-accused Vinod and some unknown person started assaulting

him. However, the complainant was rescued with the intervention of some persons from the neighbourhood. On the same evening, at about 7.15 pm, when he was present in his house, the present petitioner along with co-accused and others entered inside his house after scaling the wall of his house and opening the gate of the same. They were armed with weapons and started assaulting the complainant. The petitioner was armed with a sword. The petitioner and co-accused Akash @ Akke opened an assault upon the complainant and caused injuries on his person, due to which the complainant became unconscious and fell down. On rescue alarm being given by his father, the assailants had fled away. The victim was medically examined. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Amritsar vide order dated 27.05.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of about two months in reporting the matter to the Police which has not been satisfactorily explained. A cross case bearing G.D. No.36 dated 02.05.2024 has been registered against the members of the complainant party on the basis of the statement recorded by Raju Singh, father of co-accused-Akashdeep Singh. No specific injury has been attributed to him. His custodial interrogation is not required. Neither any recovery is to be effected from him. He is ready to join the investigation. Co-accused, namely, Kishore @ Jacky, Daniel, Vinod Kumar and Feroz have been extended benefit of bail by this Court. The case of the petitioner is on similar footings and therefore, he too, deserves to be

extended the benefit of pre-arrest bail.

4. Status report has been filed. It is argued by learned State counsel that the petitioner by forming an unlawful assembly with the co-accused had voluntarily caused injuries on the person of the victim. The grievous injury as diagnosed on the right leg of the victim has been attributed to the petitioner. There are serious allegations against him. His custodial interrogation is required for conducting thorough investigation in the matter. No extraordinary circumstance for grant of pre-arrest bail is made out. Therefore, it is urged that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, injuries were caused to the complainant Vishal on 14.04.2024. One of the injury as attributed to the petitioner and as found on the left leg of the victim, has been opined to be grievous in nature. This injury was caused by sword. The complainant had also sustained head injury on his person. The allegations against the petitioner are serious in nature. It is well settled proposition of law that gravity of allegations is one of an important circumstance to be considered at the time of grant/rejection of bail to an accused. For conducting proper and thorough investigation in the matter, custodial interrogation of the petitioner is must. It is also well settled law that powers for grant of pre-arrest bail are to be exercised in

extraordinary and sparing circumstances, whereas no exceptional circumstance is made out in this case. Case of the petitioner is also not at parity with the case of the co-accused, who have been extended the benefit of pre-arrest bail.

7. Keeping in view the above discussion, this Court is of the opinion that the petition does not deserve to be allowed. Accordingly, the petition is dismissed.

8. It is 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

29.08.2025

harjeet

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No