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

**CRM-M No.46505 of 2025
Date of Decision: 26.08.2025**

Raghubeer Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.50, dated 01.05.2025, under Sections 115(2), 126(2), 191(3), 190, 351(1), 351(3), 117(1), 110 of BNS, 2023, registered at Police Station Jodhewal, District Ludhiana.

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Siroj Rani. It was alleged that on 29.04.2025, the complainant and her son, namely, Ravinder Kumar were at home and in the meantime, some boys were seen roaming in the street, who were on their motorcycles and activa. It was alleged that at about 06:40 P.M., when she was standing on the roof of her house, two boys, namely, Kali and Varun Gill along with



the assailants came there. Varun Gill was holding *datar* in his hand whereas Kali was holding an iron rod. Kali's maternal uncle along with other assailants were armed with baseball bats and iron rods in their hands. It was alleged that they opened attack on son of the complainant. Kali gave iron rod blow on the head of her son whereas Varun Gill gave the *datar* blow on the forehead and right side eye of her son. Kali's maternal uncle, namely, Raghav (petitioner) gave baseball bat blow on the face of her son. The remaining boys also started beating her son with baseball bats. On raising alarm, the crowd gathered and the assailants escaped along with respective weapons on their motorcycles and activa. Complainant's son was shifted to the Civil Hospital, Ludhiana. The request was made to take legal action against the culprits. On registration of the FIR, the investigation commenced. Apprehending his arrest, the petitioner approached the Court of learned Additional Sessions Judge, Ludhiana praying for the grant of anticipatory bail. However after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Ludhiana dismissed the bail application filed by the petitioner vide order dated 06.06.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that co-accused, namely, Kali was arrested and the petitioner was nominated on the basis of his disclosure



statement. He has submitted that no role has been attributed to the petitioner. He has submitted that the injured suffered 05 injuries, out of them, 04 injuries are attributed to co-accused, namely, Kali and Varun Gill and Raghav and no injury has been attributed to the petitioner. He has submitted that no *prima facie* case as alleged is made out against the petitioner, thus, he deserves to be granted anticipatory bail.

4. Notice of motion.

5. On asking of the Court, Mr. J. S. Arora, DAG, Punjab. appears and accepts notice on behalf of the respondent-State.

6. *Per contra*, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner, namely, Raghubeer Singh and Raghav are one and the same person. He has submitted that the petitioner was not specifically named in the FIR but he was armed with a baseball bat and he caused injuries to the injured. He has submitted that the case is under investigation. He has submitted that no case for the grant of anticipatory bail to the petitioner is made out and thus, the present petition deserves to be dismissed.

7. I have heard learned counsel for the parties and perused the record with their able assistance.

8. It is deciphered that the petitioner has been specifically named in the FIR with the name Raghav as contended by learned counsel for the State. The injured, namely, Ravinder Kumar has suffered 05 injuries, out of which, injury No.4 was declared dangerous to life



whereas injury No.5 was declared as grievous. Complicity of the petitioner is prima facie established. The investigation is at threshold.

9. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-

“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
 - (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
 - (iv) *such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*

10. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the



society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

“31. *In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498*



which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail.”

11. The Hon'ble Supreme Court in ***State Vs. Anil Sharma, (1997) 7SCC 187***, held as under:-

“6. *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 favorable 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 materials 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 need 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.”

12. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been prima facie found. Needless to say, the investigation is at the initial stage and in the facts and circumstances, custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

13. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

26.08.2025

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

(RAJESH BHARDWAJ)
JUDGE