



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

296

**CRM-M-10550-2025 (O&M)
Date of decision: 07.04.2025**

Sunny Kumar @ Sunny**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Varun Goyal, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) seeking grant of anticipatory bail in case FIR No. 199, dated 21.08.2024, registered under Sections 109(2), 115(2), 118(1), 126(2), 3(5), 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') [Sections 115, 117(2) and 118(2) of BNS added later on] at Police Station Rama Mandi, District Jalandhar. The first petition, bearing CRM-M-7717-2025, was dismissed as withdrawn on 11.02.2025, with liberty to file a fresh one while disclosing complete antecedents of the petitioner.

2. Brief facts of the case relevant for the disposal of the present petition are that the aforementioned FIR has been registered on the basis of the statement got recorded by complainant Akashdeep Singh alleging therein that on the night of 19.08.2024, accused Janu and Arun had intercepted him while he was riding an activa vehicle. They had pulled the key of his vehicle and had opened assault upon him. Accused Janu struck a blow with a

2025.PHHC.047607



Gandasi, thereby injuring his left hand. Accused Arun hit his chest with a baseball. They had come in a car. The present petitioner and co-accused Gagandeep Singh @ Gagan had then alighted from the said car and Gagandeep Singh @ Gagan struck a blow on the back of the complainant with a baseball, whereas a blow with a *datar* was given by the petitioner on the head of the complainant. Thereafter, they started extending beatings to him. His sisters were attracted at the spot on hearing clamour and reached there to save the complainant and then the assailants fled away. The motive attributed to the assailants was that some days back, they had misbehaved with the sister of the complainant, while she was going in an Activa vehicle and the complainant had stopped them from doing so. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Jalandhar but the same has been dismissed, vide order dated 27.12.2024.

3. The present petition has been filed on the grounds and it has been argued by his counsel that he has been falsely implicated in this case. The petitioner was not present at the spot at the time of occurrence and has been implicated in this case due to political pressure being exerted by the complainant. There is delay of two days in reporting the matter to the police, which has created a serious dent in the story of the complainant. In fact the complainant party has enmity with co-accused Janu and Arun and the petitioner, being their friend, has been falsely implicated in this case. He is ready to join the investigation. No recovery is to be effected from him. His custodial interrogation is not required. No useful purpose would be served by detaining the petitioner into custody. Co-accused Sanchit @ Janu and

2025.PHHC.047607



Gagandeep Singh @ Gagan have already been granted concession of anticipatory bail by this Court. On the grounds of parity, the petitioner too deserves the same benefit. Hence, it is urged that the petition deserves to be allowed.

4. Status report by way of affidavit of Assistant Commissioner of Police, Sub-Division Central, Jalandhar, has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that the petitioner has given a *datar* blow on the head of the complainant, thereby causing him grievous injuries, some of which were found to be dangerous to life. The petitioner along with co-accused had assaulted the complainant and had caused as many as six injuries on his person. His custodial interrogation is required for conducting proper investigation in the matter by the police. The allegations against him are quite serious in nature. Therefore, it is urged that the petition is liable to be dismissed.

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

6. As per the allegations, the petitioner by hatching a conspiracy with the co-accused and in furtherance of that conspiracy, had caused injuries to the victim/complainant as on 19.08.2024. The complainant had sustained simple as well as grievous injuries. The petitioner is alleged to have caused a head injury with a *datar* on the person of the complainant, which has been found to be dangerous to life. He is shown to be involved in one more criminal case registered against him under Sections 323, 324, 506, 326, 201, 148 and 149 of IPC. The allegations against the petitioner are specific and quite serious. His custodial interrogation is required for proper investigation in the matter. No extraordinary and sparing circumstance has been made out in



favour of the petitioner for grant of pre-arrest bail. The well settled proposition of law is that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation or tampering with evidence including intimidating witnesses. The powers under Section 482 of BNSS are to be exercised in extraordinary and sparing circumstances. More so, custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. Many useful information can be disinterred during custodial interrogation. It has also to be seen that an order of anticipatory bail does not operate as inroad in the normal legal procedure of criminal cases by the trial Court. So far as the claim of the petitioner regarding parity with aforesaid co-accused is concerned, the case of the petitioner is not at parity with them at all. Keeping in view the discussion as made above, I am of the considered opinion that no extraordinary or sparing circumstance entitling the petitioner to seek concession of pre-arrest bail has been made out rather his custodial interrogation is required for thorough investigation in the matter by the police. Accordingly, finding no merit, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

07.04.2025

Waseem Ansari

(MANISHA BATRA)

JUDGE

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*