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

CRM-M-36625-2025

Decided on: 14.07.2025

Aatish

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Prateek Pandit, Advocate, for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.20 dated 10.04.2025, registered under Sections 115(2), 126(2), 351(1), 351(3), 307, 190 and 191(3) of BNS, 2023, at Police Station City Fattu DHINGA, District Kapurthala.

2. Succinctly facts of the case are that the FIR in the present case was registered on the statement of the complainant, namely, Balvir Singh. It was alleged that he was running an agriculture workshop in his village. On 07.04.2025 at about 7:00 p.m., he closed his shop and went home. At about 9:15 p.m., on checking the CCTV camera installed in his workshop, he found some young persons roaming around his workshop. He went to the workshop and asked the young persons sitting in the cremation ground near his workshop, not to sit there as on earlier occasion also, theft had taken place in his workshop. The boys sitting there were namely, Sahil, Ajay, Sahil and Aatish (petitioner). On 08.04.2025 at about 07:20 p.m., when he closed his workshop and was about to go, then six motorcyclists came to his workshop. They stopped him and after surrounding him opened an attack on



him. Aatish gave a *gandasi* blow on his nose. Other persons who were armed with *datar* etc. also gave blows on him. Sahil forcibly snatched Rs.15,000/- from his pocket. The complainant raised alarm and then his wife also reached at the place. He was got admitted in the Civil Hospital, Kapurthala. Request was made to take legal action against all the culprits. On the registration of the FIR, investigation commenced. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Kapurthala, for the grant of anticipatory bail. Learned Court after hearing both the sides, finding no merit in the petition filed by the petitioner, dismissed the same vide order dated 12.06.2025. Hence, aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that there is a delay of two days in lodging the FIR and thus, the allegations made against the petitioner are fabricated. It is submitted that except the offence under Section 307 of BNS, 2023, (Section 382 IPC), all other offence levelled against the petitioner, are bailable offence. He submits that the injuries alleged to be attributed to the petitioner, were found to be simple in nature. He, thus, submits that no *prima facie* case is made out against the petitioner and he deserves to be granted anticipatory bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner alongwith the co-accused had attacked the complainant in a



premeditated manner. He submits that the petitioner was armed with *gandasi* and he gave blow of the same on the nose of the complainant. He submits that in all the complainant had suffered nine injuries. It is submitted that the investigation is at the initial stage and conduct of the petitioner and the co-accused needs to be thoroughly investigated. He, thus, opposes the grant of anticipatory bail to the petitioner.

5. After hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner has specifically named in the FIR. The first accident had taken place on 07.04.2025, when the complainant objected sitting of the petitioner and his accomplices in the cremation ground i.e. near his workshop. The petitioner and his accomplices nurtured grudge against the complainant and thus, on the next day i.e. 08.04.2025, they came duly prepared and opened attacked on the complainant. As per the MLR, the complainant suffered nine injuries. The petitioner had allegedly given *gandasi* blow on the nose of the complainant. Even if, the injuries attributed to the petitioner found to be simple in nature, the Court is to see the overall conduct of the petitioner and the manner in which, the complainant had been attacked by the petitioner and his accomplices. The investigation is at threshold.

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

482“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."*

7. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has 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 ensconded with a favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he 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



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responsible Police Officers would conduct themselves in task of disintering offences would not conduct themselves as offenders.”

8. Hon’ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab**, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

9. 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* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

10. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

11. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

14.07.2025

sharmila

Whether Speaking/Reasoned

:

Yes/No

Whether Reportable

:

Yes/No