

**CRM-M-1425-2025 (O&M)****1****103****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRM-M-1425-2025 (O&M)
Decided on : 20.01.2025****MANJOT SINGH**

. . . Petitioner

Versus

STATE OF U.T. CHANDIGARH

. . . Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGHPresent : Mr. Chanderhas Yadav, Advocate
for the petitioner.

Mr. Manish Bansal, PP, UT Chandigarh.

KIRTI SINGH, J. (Oral)

1. Apprehending arrest in FIR No.0210 dated 25.12.2024, under Sections 74, 115(2), 126(2), 351(2), 329(3), 3(5) and 304 of BNS and Sections 25/54/59 of Arms Act, registered at Police Station South Sector 34, District Chandigarh, the petitioner has preferred this petition under Section 482 of BNSS for grant of anticipatory bail.

2. The contents of the above-mentioned FIR are reproduced herein below :-

“To SHO, P.S 34 Chandigarh I Gagandeep Sharma wife of Jasvir Singh address Flat No.66C, 2nd Floor, Sector 117, Kharar. I along with my husband Jasvir Singh are running Prime Journey Immigration Office, SCO No.348-349, 4th Floor, Sector 34-A, Chandigarh. Today morning at about 12:00 o'clock, when we both entered in our office, then we saw that there alongwith our staff, the staff of Great Flyer Overseas Immigration Office was also present in our office and their staff were arguing with our staff.



When we both entered into the cabin inside. In the meantime, 7-8 boys entered into our cabin, name of one boy of them is Lovepreet Mann and one boy named is Jot, remaining I do not know, but I can recognize them if they come in front of me. As Lovepreet in connivance with those boys dragged out my husband by holding him from his Jacket, while beating him. I tried to save my husband, then they pushed me on my breast and pushed me back and called me with bad names. They have given beatings to my husband and both the golden earrings of my husband were snatched by them. I went running to the beat box for help, when I came back from the beat box, then in the parking Lovepreet Mann and Jot were standing with their same colleagues, he blocked my passage and he again hit me on my chest and give me a slap and took out a pistol from his jacket and pointed out towards me and issued life threats, in the meantime, beat Constable Kuldeep came present over there, feeling his presence Lovepreet Mann run away from the spot with his colleagues. Kindly take strong legal action against Lovepreet Mann and his friend Jot and their other colleagues. Sd. Gagandeep Sharma Dated 25.12.2024, Mob. 9780101337 DOB 05.05.92, attested by Jogender Singh ASI PS 34 Dated 25.12.2024.”

3. Learned counsel for the petitioner, inter alia, submits that the petitioner has been falsely implicated in the present case and is merely an employee working as a clerk in an immigration firm adjacent to the office of the complainant. It is argued that the FIR was registered due to business rivalry between the two immigration firms. The petitioner is the sole earning member of his family, and no injury has been attributed to him. Additionally, the allegations under the Arms Act and those relating to outraging the modesty of the complainant are not levelled against the petitioner.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. He has filed the status report dated 15.01.2025 in Court today and while relying upon same, he submits that CCTV footage was obtained from the complainant's office, which clearly shows the petitioner, Manjot



@ Jot, along with other co-accused, actively participated in the alleged offense. Petitioner has been specifically named in the FIR. The footage reveals that the petitioner and his co-accused dragged the complainant's husband, Jasvir Singh, out of the cabin and assaulted him. When the complainant attempted to intervene, the petitioner, along with his co-accused, forcefully pushed her aside. Further, when the complainant returned from seeking help at the beat box, the petitioner and his co-accused blocked her passage, struck her on the chest, and co-accused Lovepreet slapped her. The petitioner and co-accused Lovepreet are also alleged to have threatened the complainant by pointing a pistol at her. The State Counsel highlighted the corroborative evidence provided by independent witnesses, including Constable Kuldeep, L/C Pinky, and Rohit, a tea vendor, who was present in the parking area during the occurrence. The medical examination of the complainant and her husband Jasvir Singh confirmed injuries sustained during the incident. As per the medico-legal reports (MLRs), injuries were sustained by the complainant, and her husband during the alleged incident. Jasvir Singh suffered a cut to his right finger and on left ear, while the complainant had swelling and redness on her left cheek.

5. Heard the rival submissions made by learned counsel for the parties and perused the record.

6. In ***Srikant Upadhyay and others vs. State of Bihar and another, 2024 (INSC) 202 (SC)***, Hon'ble Supreme Court held as under:

“It is thus obvious from the catena of decisions dealing with bail that even while clarifying that arrest should be the last option and it should be restricted to cases where arrest is imperative in the facts and circumstances of a case, the consistent view is that the grant of anticipatory bail shall be restricted to exceptional circumstances. In



*other words, the position is that the power to grant anticipatory bail under Section 438, Cr.P.C. is an exceptional power and should be exercised only in exceptional cases and not as a matter of course. Its object is to ensure that a person should not be harassed or humiliated in order to satisfy the grudge or personal vendetta of the complainant. (See the decision of this Court in *HDFC Bank Ltd. v. J.J.Mannan & Anr.* 2010 (1) SCC 679).*

*Further, it was clearly observed in para No.24 of the judgment (supra) that “**though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule.** It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the Court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously, defying orders and keep absconding is not entitled to such grant.”*

7. In *Sushila Aggarwal v. State (NCT of Delhi) (2018) 7 SCC 731*, the Constitution Bench reaffirmed that when considering applications for anticipatory bail, courts should consider factors such as the nature and gravity of the offences,



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the role attributed to the applicant, and the specific facts of the case.

8. In *Siddharam Satlingappa Mhetra v. State of Maharashtra & Ors. reported in (2011) 1 SCC 694* rendered in the context of the discretion to grant Anticipatory Bail under Section 438, Hon'ble Supreme Court advocated the need to balance individual personal liberty with societal interest and observed:-

“84. Just as liberty is precious to an individual, so is the society's interest in maintenance of peace, law and order. Both are equally important.”

9. There are serious allegations against the petitioner. The petitioner has been named in the FIR. CCTV footage and independent witness testimonies prima facie establishes the presence of petitioner and involvement of the petitioner. Accordingly, to unearth the true dimension of the alleged crime, this Court does not deem it appropriate to interfere in the matter so as to grant the concession of anticipatory bail to the petitioner at this stage.

10. The petition is dismissed.

11. Needless to mention that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

12. Pending application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

January 20, 2024

Kavita

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No