



CRM-M-42932-2025

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

CRM-M-42932-2025

Decided on: 08.08.2025

Jeetak Kumar

..... Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present:     Mr.Manbir Singh Basra, 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.88 dated 07.11.2024, registered under Sections 115, 126(2), 117, 304 of BNS, 2023 (offence under Section 117(3) of BNS, added lateron) at Police Station City Banga, District Shaheed Bhagat Singh Nagar.

2.             Succinctly, facts of the case are that the FIR in the present case has been registered on the statement of complainant Dinesh Kumar. It was alleged that on 31.10.2024, at about 9:00/9:30 P.M., when he was in his locality, a white coloured Venue car came and the driver hit him, due to which he fell down. Jeetak (petitioner), Jatin Ghai, Akashdeep, Sanju Hans, Cheenu Hans and Dhruv Ghai came out of the car alongwith their weapons and 3-4 unknown persons on their motorcycle. They all raised *lalkara* and opened attack on him. Jeetak gave *kirpan* blow on left side of his face; his upper lip got cut and four teeth were broken. The other assailants also attacked on him. On raising alarm, the assailants escaped from the place of occurrence. Request was made to take legal action. On the registration of



the FIR, the investigation commenced. Apprehending arrest, the petitioner approached the Court of the learned Additional Sessions Judge, Shaheed Bhagat Singh Nagar for grant of concession of anticipatory bail, however, after hearing both the sides, the said relief was declined to him vide order dated 04.07.2025. Hence, aggrieved against the said order, the petitioner is before this Court by 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 has submitted that the petitioner was a juvenile being 17 years of age at the time of occurrence. It is submitted that it is a case of version and cross-version. It is further submitted that the co-accused of the petitioner have also been granted concession of anticipatory bail by this Court vide order dated 10.07.2025 and the case of the petitioner is on the same footing. He submits that the injury alleged against the petitioner is not of grievous nature. He, thus, submits that in the facts and circumstances of the present case, the petitioner deserves to be granted anticipatory bail.

4. *Per contra*, learned State counsel has opposed the bail application. It is submitted that though the petitioner is a juvenile, however, he is the main accused and thus, his case is different from that of the co-accused, who have been granted anticipatory bail by this Court. He submits that the petitioner was duly armed with *kirpan* and caused injuries to the complainant which were grievous in nature. He submits that in all the complainant had suffered 15 injuries. He further submits that the petitioner is involved in one more FIR. He submits that for proper and fair investigation, custodial interrogation of the petitioner is required. He, thus,



prays for dismissal of the present case.

5. After hearing learned counsel for the parties and perusing the available record, it is deciphered that though the petitioner was 17 years of age, however, he is said to be the main accused. He was armed with *kirpan* and alleged to have given *kirpan* blows on the face and upper lip of the complainant was cut and four teeth were also broken. The complainant suffered in all 15 injuries, detail of which is as under:-

*“1. Lacerated wound 3cmx0.5cm.2cm lateral to left angle of mouth, blood oozes. Adv. X-ray.*

*2. Lacerated wound 2cmx0.3cmx0.4cm, 3cm lateral to right angle of mouth, blood oozes. Adv. X-ray.*

*3. Patient c/o left side four broken teeth, upper jaw. On examination there is evidence of broken part of crown of left central lateral incisor, associated with left upper lip, corresponding red contusion 2.5cm x1.5 cm on mucosal aspect. Adv. Opinion by Dental surgeon.*

*4. Red abrasion 1cm x1 cm at base of right ring finger, palmar aspect. Adv. X-ray.*

*5. Red abrasion 7cmx2cm over right lower leg medial aspect. Adv. X-ray.*

*6. Red abrasion 3cmx2cm right lower leg medial laterally. Adv. X-ray.*

*7. Red abrasion 7cmx0.3cm over left leg. Laterally, midway. Adv. X-ray.*

*8. Lacerated wound at tip of tongue 1.5cmx0.5cm x0.5 cm oozing of fresh blood present. Adv. Opinion by ENT surgeon.*

*9. Red abrasion 2.5cmx0.3 cm over medial aspect of right knee joint. Adv. X-ray.*

*10. Red abrasion 3.5cmx1cm over medial right leg anteriorly, midway Adv. X-ray.*

*11. Red abrasion 2cmx1cm over left knee lateral aspect. Adv.*



*X-ray.*

*12. Lacerated wound of tip of right middle finger 1cm x 0.2cm x 0.3cm blood oozes. Adv. X-ray.*

*13. Patient C/o pain right side lower, chest anterolateral aspect, on examination there is no evidence of external injury. Adv. NCCT chest.*

*14. Red abrasion 3 cm x. 0.3 cm over right anterior ankle. Adv. X-ray.*

*15. Lacerated wound 1.5cm x 0.3 cm x 0.3 cm over lateral aspect of left foot dorsum, midway. Adv. X-ray.”*

The injuries attributed to the petitioner due to *kirpan* blow on the jaw of the complainant, are serious in nature. The petitioner is more than 16 years of age at the time of occurrence. The role attributed to him cannot be ignored.

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 ensconced with a favorable order under [Section 438](#) of 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 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.

**08.08.2025**  
sharmila

**(RAJESH BHARDWAJ)**  
**JUDGE**

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No