

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

**CRM-M-49569-2025  
Date of decision: 22.09.2025**

SUMIT

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

**CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Present: Mr. Munish Garg, Advocate  
for the petitioners.

Mr. Gorav Kathuria, DAG, Punjab.

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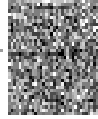
**YASHVIR SINGH RATHOR, J. (Oral)**

1. Prayer in this petition under Section 482 of BNSS, 2023 is for grant of anticipatory bail in case FIR No. 428 dated 25.09.2024 registered at Police Station City Barnala, District Barnala, under Sections 118(1), 115(2), 351, 190, 191(3) of BNS,2023 (Section 118(2) of BNS, 2023 added later on).

2. Upon notice, learned State counsel has appeared and opposed the bail. Both the parties have been heard and material collected by the police during investigation has been perused.

3. In compliance of order dated 05.09.2025, status report by way of an affidavit of Satvir Singh, PPS, Deputy Superintendent of Police, Sub Division, Barnala, filed on behalf of the State is taken on record.

4. The present case was registered on the basis of statement given to



the police by Parminder Singh with the allegations that on 22.09.2024, at about 9:30 PM, he along with his brother Sukhwinder Singh was sitting in Big Bay Hotel, Barnala when Sumit (petitioner) armed with iron kirpan, Arvind armed with iron kirpan, Jassi armed with wooden baseball bat, Gopi armed with baseball bat and two young boys came there, whom he can identify. On arrival, Sumit raised a lalkara that today he will teach him a lesson for not paying back the money and he gave a sword blow towards him, which hit the palm of his left hand. Thereafter, Sumit gave a blow towards his head but he warded off the same and the sword hit his left thumb. Thereafter, Jassi gave a baseball bat blow on his left shoulder and Arvind gave a sword blow on his left arm. Gopi caused injuries to him with baseball bat on his left elbow and other two unknown persons also caused injuries to him. When his brother raised an alarm and cried for him, people gathered at the spot and assailants ran away by threatening to kill him. Thereafter, he was taken to the hospital and on his statement, formal FIR was registered. Apprehending arrest, petitioner applied for anticipatory bail before the Court of learned Sessions Judge, Barnala, which has been dismissed vide order dated 28.07.2025.

5. Learned counsel for the petitioner argued that petitioner has been falsely implicated. Infact, he is a friend of the complainant and dispute arose over payment of money. Learned counsel further contended that the other accused have been released on anticipatory bail and the offence under Section 118(2) of BNS,2023 has been added later on after seven months of the occurrence. Learned counsel next contended that

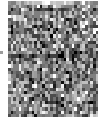


petitioner is also ready to join the investigation and to abide by the conditions that may be imposed by the Court and benefit of anticipatory bail be extended in his favour.

6. On the other hand, learned State counsel has argued that petitioner has committed a heinous offence and his case is different from that of co-accused, who has been granted anticipatory bail as only simple injuries were attributed to him. The injury, which has been declared grievous has been caused with sharp weapon/sword and the weapon of offence is yet to be recovered and petitioner, thus, does not deserve concession of anticipatory bail.

7. It is well settled that the power to grant anticipatory bail is of extra-ordinary nature and is to be sparingly used with circumspection. This court is fortified by the observations made in case of 2022 (4) RCR (Criminal) 968 titled as "*Sachin @ Sachin Ahuja Vs. State of Punjab*". In case of SLP (Crl.) 7940 2023 titled as "*Shri Kant Upadhay Vs. State of Bihar*", Hon'ble Apex Court has held that grant of interim protection or protection from arrest to an accused in a serious case may lead to miscarriage of justice and may hamper investigation to a great extent as it may sometimes lead to tampering or destruction of evidence. The court is cognizant of the fact that power of anticipatory bail is to be exercised in exceptional circumstances as it may cause some hindrance to normal flow of investigation which would undermine the case of the prosecution.

8. The allegations against the petitioner are serious in nature. He along with co-accused assaulted the victim and caused injuries to him with swords and baseball bats. Victim has suffered grievous injuries



including fracture in his hand, which has been caused with a sword. The weapon of offence is yet to be recovered for which the custodial interrogation of the petitioner is essential and he thus does not deserve the concession of anticipatory bail.

9. Taking into consideration the gravity of offences and the fact that weapon of offence is yet to be recovered, petitioner does not deserve concession of anticipatory bail. Resultantly, the present petition is hereby dismissed.

10. Pending misc. application (s), if any, shall also stand disposed of.

**22.09.2025**  
Priyanka Thakur

**(YASHVIR SINGH RATHOR)**  
**JUDGE**

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No