

CNR NO: PHHC010662692026
2026:PHHC:099943



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.22022 of 2026
Date of decision: 21.07.2026

Salim Masih @ Vicky ... Petitioner
Vs.
State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Rahul Rana, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
63	08.03.2026	Moti Nagar, District Police Commissionerate Ludhiana	109, 132 and 221 of the Bharatiya Nyaya Sanhita, 2023 (For short "BNS")

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR has been registered on the basis of statetment recorded by the complainant Constable Balwinder Singh alleging therein that on 07.03.2026, he along with other police officials was performing duty when a secret information was received that an

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altercation was taking place between the petitioner and Mohit Kumar. On receipt of this information, he reached at the spot and found that the petitioner was quarrelling with Tilak Masih. The petitioner was under the influence of liquor. When the complainant and other police officials tried to stop them, the petitioner tore of the uniform of ASI Sarabjit Singh. He picked up a glass lying in the room and with an intent to kill the complainant, hit him with the same. The glass hit his left shoulder. The petitioner after causing obstruction in performance of duty of the complainant and his other police officials, fled from the spot. The complainant was admitted to hospital. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Ludhiana vide order dated 18.04.2026.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, his wife and himself who were brutally assaulted by the police officials on instigation of Tilak Masih. The ingredients for commission of offence punishable under Section 109 of BNS are not at all attracted in this case. The injuries sustained by the victim have been opined to be simple in nature as per the report of the medical opinion. He is ready to join investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, therefore, argued that the petition deserves to be allowed.

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4. Learned State counsel has placed on record a copy of report dated 22.06.2026 submitted by Board of Doctors as per which, the injury sustained by the complainant have been opined to be simple in nature. It is very fairly admitted by her that no injury attracting offence under Section 109 of BNS has been sustained by the complainant. It is, however, submitted that the petitioner caused obstruction in performance of lawful duty of complainant, hence, he does not deserve to be given concession of anticipatory bail.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have caused obstruction in performance of lawful duty of the police officials and to assault one of them. Taking into consideration the nature of the allegations as levelled against the petitioner and the circumstances peculiar to this case, this Court is of the considered opinion that no case for pre trial incarceration of the petitioner is made out. It is well settled proposition of law that pre trial incarceration should not be a replica of post conviction sentencing. As such, the petition is allowed and the petitioner is ordered to be extended benefit of anticipatory bail, subject to his surrendering before the Investigating Officer/Arresting Officer within a period of ten days from the date of passing of this order and joining investigation. On his surrender within that period, he shall be released on bail by the Investigating Officer/Arresting Officer on furnishing personal/surety

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bonds to his/her satisfaction. He shall also follow these conditions:-

- (i) the petitioner shall cooperate with the investigation and shall appear before the Investigating officer/Arresting officer as and when required during the course of investigation.
- (ii) He 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/her from disclosing such facts to the Court or to any Police Officer.
- (iii) He shall not commit any similar offence while on bail.
- (iv) He shall not leave the country without prior permission of the Court.
- (iv) He shall deposit his passport if any, with the jurisdictional Magistrate/trial Court.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

21.07.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No