



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

108

CRM-M-63258-2025

Date of Decision : 08.12.2025

SANTOSH KUMAR PRASAD

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. S.S. Sodhi, Advocate
for the petitioner.

Mr. Kamalpreet Bawa, DAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

1. This petition for grant of anticipatory bail under Section 482 BNSS, has been filed by petitioner, an accused in case bearing FIR No.87 dated 21.04.2025 registered against him at Police Station Model Town Hoshiarpur, at the instance of Ranjit Kumar (complainant), for the commission of offences punishable u/s 103, 3(5) of BNS.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

Ranjit Kumar, son of Jagdish Shah, a fruit seller in the new vegetable market, Rahimpur, set the criminal law in motion by filing a compliant pointing therein that at 12.00 noon on 20.04.2025, Sanjit Kumar (brother of complainant) had gone to the market to fetch some house hold articles. While he was passing in front of Pritam Kumar's shop, he raised lalkara to Sonu Kumar



and Satosh Khushwaha @ Santosh Kumar (present petitioner) that Sanjit Kumar should not be spared and he should be taught lesson of an old fight. They all unleashed an attack on Sanjit. When complainant along with his friend Deepak Kumar, son of Ram Parvesh reached at the spot to protect his brother, Sonu Kumar, who was armed with a knife, stabbed Sanjit on his left eyebrow. In order to save himself, when Sanjit Kumar raised his left arm Sonu again gave knife blow on his left armpit. Pritam Singh inflicted knife blow on his left thigh and Santosh Kumar (petitioner), armed with knife, stabbed Sanjit' on his thigh. Blood started oozing out from the wounds and Sanjit fell unconscious. Complainant along with his friend Deepak rushed Sanjit to Civil Hospital, Hoshiarpur, where doctors gave him first aid and referred him to multi-specialty hospital. Thereafter, they took Sanjit to Shivam Hospital, Hoshiarpur, but due to his deteriorating condition, he was referred to DMC Hospital, Ludhiana, where he unfortunately succumbed to his injuries.

On the basis of the said complaint, a formal case vide FIR No.87 dated 21.04.2025, u/s 103, 3(5) of BNS, was registered against the petitioner and other co-accused.

3. Apprehending his arrest, present petitioner had moved an application for grant of pre-arrest bail, before the learned Additional Sessions Judge, Hoshiarpur. The same was dismissed, in terms of order dated 26.08.2025. Aggrieved of the said order, the present petition has been filed.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. The fact that FIR was lodged after an unexplained delay of 02 days suggests that sequence of events did not occur in the manner as portrayed by prosecution. It is further the submission of learned



counsel that even if version of the prosecution is taken to be true at its face value (though not admitted) the only role attributed to the petitioner is that being armed with a knife, he inflicted an injury on thigh of the deceased, which was definitely not cause of his death.

Learned counsel for the petitioner further submits that petitioner is willing to join the investigation as and when called for by the Investigating Officer. With these submissions, learned counsel prayed for allowing the present petition.

5. *Per contra*, learned State counsel has opposed the prayer for grant of anticipatory bail on the ground that petitioner in furtherance of common intention of all the accused (who are yet to be arrested), unleashed an attack on the deceased, a vegetable vendor by profession, who suffered many stab wounds on various parts of his body, consequent to which he died. Learned State counsel also submits that the presence of petitioner is needed for custodial interrogation to recover the weapon used by him in the commission of offence, as also to know the whereabouts of the other two accused, who are still absconding, thus, no case for grant of anticipatory bail is made out. Dismissal of the petition was prayed for.

6. Heard. Documents on record perused.

7. Before expressing any opinion on submissions raised by both the counsels, it would be appropriate to refer to certain judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

Hon'ble the Supreme Court in "*P. Chidambaram vs. Directorate of Enforcement, ((2020) 13 SCC 791)*", has observed as under:-



“67. Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 Cr.P.C 1973 is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy.”

Hon’ble the Supreme Court while deciding the case titled as “Ms. X Vs. The State of Maharashtra and another” (2023 SCC Online SC 279) held as under:-

“11.1. We propose to take a quick look at the considerations that ought to govern grant of anticipatory bail. There are a line of decisions of this court that have underscored the fact that while deciding an application for bail, the court ought to refrain from undertaking a detailed analysis of the evidence, the focus being on the prima facie issues including consideration of some reasonable grounds that would go to show if the accused has committed the offence or those facts that would reflect on the seriousness of the offence. The self-imposed restraint on delving deep into the analysis of the evidence at that stage is for valid reasons, namely, to prevent any prejudice to the case set up by the prosecution or the defence likely to be taken by the accused and to keep all aspects of the matter open till the trial is concluded.



12. *In Prasanta Kumar Sarkar's case (supra) (Prasanta Kumar Sarkar Vs. Ashish Chatterjee and another), a Division Bench of this Court had highlighted the factors that ought to be borne in mind while considering the anticipatory bail application and had held as under:-*

"9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
- (ii) nature and gravity of the accusation;*
- (iii) severity of the punishment in the event of conviction;*
- (iv) danger of the accused absconding or fleeing, if released on bail;*
- (v) character, behaviour, means, position and standing of the accused;*
- (vi) likelihood of the offence being repeated;*
- (vii) reasonable apprehension of the witnesses being influenced; and*
- (viii) danger, of course, of justice being thwarted by grant of bail."*

Facts of the case in hand have been highlighted in para 2 of the order.

In view of the submissions advanced by learned State counsel and documents placed on record, the Court is of the opinion that custodial interrogation of petitioner is necessary to know the whereabouts of other accused, who have till date not been arrested, to recover the weapon used in the commission of offence etc.



It is settled that the relief of anticipatory bail is to be granted only if petitioner/accused is able to make out the case of exceptional depravity/hardship in his favour.

In view of the reasons recorded hereinabove, the Court is of the opinion that petitioner, has not been able to make out the case of exceptional depravity/hardship in his favour, entitling for the grant of this extra ordinary relief of pre-arrest bail.

Accordingly, the present petition stands dismissed.

(AARADHNA SAWHNEY)
JUDGE

08.12.2025
Nisha Yadav

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No