



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-66867 of 2025

Date of Decision: 28.11.2025

Manjit Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Vaibhav Narang, Advocate
for the petitioner(s).

Mr. Eklavya Darshi, Deputy Advocate General,
Punjab.

Surya Partap Singh, J.

1. For the commission of offence punishable under Sections 115(2), 117(2), 118(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, hereinafter being referred to as “BNS” only, the FIR No. 313 dated 08.10.2025 has been lodged in Police Station Gharinda, District Amritsar Rural, Punjab. In the above-mentioned case, the petitioner is apprehending arrest, and therefore, he has approached this Court for the benefit of anticipatory bail, by virtue of present petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred to as “BNSS”.

2. Briefly stating the facts emerging from the record are that the FIR of this case came into being at the instance of Satnam Singh son of Sukhwinder Singh, hereinafter being referred to as “complainant” only. It

was stated by the complainant that on 18.09.2025 at about 10:00 P.M. when he was present near Hero Agency, near his residence, the petitioner, Gurwinder Singh alias Dimple armed with dattar (a sharp edged weapon), Manjit Singh armed with iron rod and Jaspinder Singh alias Jass armed with iron rod came there and Gurwinder Singh alias Dimple exhorted to teach him a lesson and thereafter, they all attacked him with the help of their respective weapons, and inflicted injuries.

3. Notice of motion.

4. Since advance notice has already been served upon the State, Mr. Eklavya Darshi, Deputy Advocate General, Punjab, accepts notice on behalf of respondent, and waives service.

5. Heard.

6. It has been contended on behalf of petitioner that there is delay of 20 days in reporting the matter to the police and that the injury attributed to the petitioner is neither on vital part of the body, nor the same has been declared grievous by the medial report. It has also been contended by learned counsel for the petitioner that the petitioner has no criminal antecedents, and that similarly placed co-accused, namely Jaspinder Singh alias Jass has been accorded the benefit of interim anticipatory bail by this Court by virtue of order dated 17.11.2025.

7. Per contra, the learned State counsel has argued that the allegations against the petitioner are that under common conspiracy they had attacked the complainant and inflicted injuries on the person of complainant. As per learned State counsel one of such injuries has been declared to be grievous in nature. In addition to above, the learned State counsel has also

argued that the role attributed to the petitioner is different from the role attributed to his co-accused, namely Jaspinder Singh alias Jass as it has been specifically mentioned in the order dated 17.11.2025 that the injury attributed to co-accused – Jaspinder Singh alias Jass was on non-vital part of the body, whereas the injury attributed to the present petitioner is on the vital part, i.e. forehead.

8. The record has been perused carefully.

9. It shall not be out of place to mention here that remedy of anticipatory bail is an extraordinary remedy for a person who is accused of grave offence. With regard to such relief, the Hon'ble Supreme Court of India in the case of *Srikant Upadhyay v. State of Bihar 2024 SCC OnLine SC 282*, has observed that power to grant anticipatory bail is extraordinary power. In the above-mentioned case, it has also been held that irrespective of the fact that in a number of cases it has been held that bail is a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is a rule.

10. The Hon'ble Supreme Court of India in the above mentioned case has further observed that rule of anticipatory bail is a question of judicial discretion depending upon the facts and circumstances of each case. According to Hon'ble Apex Court, when called upon to exercise the above said power the Court concerned has to be very cautious, as the grant of interim protection to the accused in serious cases may lead to miscarriage of justice, and hamper the investigation.

11. Similarly, in the case of *Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. The State of Maharashtra and Another (Special Leave Petition (Criminal) No. 10255 of 2024, decided on 21.07.2024)*, the

Hon'ble Supreme Court of India has held that anticipatory bail is an exceptional remedy and it ought not be granted in a routine manner. As per the Hon'ble Supreme Court, there must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offence.

12. In the case of *Gurbaksh Singh Sibba etc. v. State of Punjab 1980 SCC (2) 565*, the Hon'ble Supreme Court of India has also held that:-

- i) the power under Section 438, Criminal Procedure Code, is of an extra-ordinary character and must be exercised sparingly in exceptional cases only.
- ii) the said power is not unguided or uncanalized but all the limitations imposed in the preceding Section 437, are implicit therein and must be read into Section 438.
- iii) in addition to the limitations mentioned in Section 437, the petitioner must make out a special case for the exercise of the power to grant anticipatory bail.
- iv) Where a legitimate case for the remand of the offender to the police custody under Section 167(2) can be made out by the investigating agency or a reasonable claim to secure incriminating material from information likely to be received from the offender under Section 27 of the Evidence Act can be made out, the power under Section 438 should not be exercised.

13. Keeping in view the fact that the allegations against the petitioner for inflicting injuries on the vital part of body, and that Section

118(2) of BNS has been invoked in this case, it is hereby held that the petitioner is not entitled for the benefit of anticipatory bail.

14. As a sequel to observations made in the foregoing paragraphs, it is hereby held that the instant petition for bail is devoid of merits and deserves dismissal. Thus, the present petition is hereby dismissed, accordingly.

(Surya Partap Singh)
Judge

November 28, 2025
“DK”

Whether speaking/reasoned :Yes/No
Whether reportable : Yes/No