



S. No.111

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

CRM-M-67878 of 2025

Date of Decision:02.12.2025

Gursewak Singh Mann @ Cash Mann

.....Petitioner

Vs.

State of Punjab

.....Respondent

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

Present:- Mr. P.S. Ahluwalia, Sr. Advocate with
Mr. Keerat Singh Dhillon, Advocate and
Mr. Kuljinder Singh Billing, Advocate
for the petitioner.
Mr. Ajit Pal Singh, Addl. AG, Punjab &
Mr. Jatinder Pal Singh, Sr. DAG, Punjab &
Mr. T.P.S. Chawla, AAG, Punjab.

Yashvir Singh Rathor, J. (Oral)

1. This is first petition filed under Section 482 of BNSS for grant of anticipatory bail to the petitioner in case FIR No.0165 dated 26.11.2025 registered under Sections 217, 228, 229, 231, 248, 61(2) of BNS, 2023 at Police Station City Jalalabad, District Fazilka.

2. Learned counsel for the petitioner contended that FIR in question has been registered for the offences under Sections 217, 228, 229, 231, 248 read with Section 61(2) of the BNS, 2023. Learned counsel contended that all the offences are non-cognizable. The offences under Section 217, 229 and 248 are bailable and only the offence under Section 237 of BNS is non-bailable. Learned counsel contended that the FIR in question could not have been got registered except with the permission of the Magistrate in respect of non-cognizable offences. Learned counsel contended that the present FIR has been got registered due to political vendetta as elections of Zila Parishad are going to be held within 3-4 days and the



State wants to arrest him in respect of the present incident so that he is not able to participate in the election process. Learned counsel submitted that he is 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.

3. On the other hand, learned State Counsel, who has appeared upon notice and accepted the notice, contended that the FIR was initially to be registered for the afore-said offences as well as under Section 127(2) of BNS which is a cognizable offence but due to some typographical error, the offence under Section 127(2) was not registered and now on 01.12.2025, a GD No.041 has been registered and the offence under Section 127(2) of BNS has also been added. Learned State Counsel further contended that petitioner has straightaway approached the High Court for grant of anticipatory bail instead of approaching the Court of Sessions and the bail application can be moved straightway only in exceptional cases whereas no exceptional case is made out in favour of petitioner and he should be relegated to avail the remedy before the Court of Sessions.

4. In the present case, initially the FIR has been registered in respect of the offences which are non-cognizable and the bar under Section 215 of BNSS (erstwhile 195 Cr.P.C) is also attracted and no Court can take cognizance of the offences under Section 206 to 223 of BNSS except on the complaint in writing of the public servant concerned or of some other public servant to whom complainant is administratively subordinate. Section 215(1)(b) of BNSS further provides that no Court can take cognizance of an offence punishable under Sections 229 to 233, 236, 237, 242 to 248 when such offence is alleged to have been committed, in/ or in relation to, any proceeding in any Court except on the complaint in writing of that Court or by such officer of the Court as that Court



may authorise in writing in this behalf, or of some other Court to which that Court is subordinate. No doubt, offence under Section 127(2) of BNS has been added by way of GD No.041 dated 01.12.2025 but it shall be a debatable question as to whether offence under Section 127(2) of BNS is made out or not as there is no allegation of wrongful confinement of any person. However, it is not in dispute that High Court as well as the Court of Sessions have concurrent jurisdiction for grant of anticipatory bail under Section 482 of BNSS, 2023 but an accused can approach the High Court straightaway only in exceptional circumstances. Since it has been alleged that the present FIR has been registered due to political vendetta and to settle the scores by the police officials, it will be in the interest of justice if protection is granted to the petitioner for one week from arrest so as to enable him to approach the Court of Sessions for moving an application for anticipatory bail and it is ordered that no coercive action shall be taken against the petitioner till 09.12.2025 in the present FIR so as to enable him to approach the Court of Sessions by way of bail application under Section 482 of BNSS.

5. Petition is accordingly disposed of.

(Yashvir Singh Rathor)
Judge

December 02, 2025
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No