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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.72264 of 2025
Date of decision: 19.12.2025

Mohammad Siraj @ Suraaj Mohammad ... Petitioner
Vs.
State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ravi Kamal Gupta, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, 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
74	05.08.2025	City Ahmedgarh, District Malerkotla	333, 117(2), 115(2), 324(4), 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) (109 of BNS added later on)

2. As per the allegations, on 03.08.2025, the complainant Abdul Satar had gone to Village Mandi Ahmedgarh to meet his relative Sahibdin and at about 4 PM, when he was sitting in the grocery shop of

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his relative, the petitioner accompanied by the co-accused reached there. All of them were armed with weapons. Accused Mohammad Saudagar struck a blow with iron rod on the petrol tank of his motorbike. He then opened an assault upon the complainant by striking an iron rod against his head. Co-accused Hisar Mohammad also caused injury with iron rod on his head. Blood started oozing out of his wound. The petitioner and the co-accused dragged him out of his shop and struck blows with their respective weapons on his person while making exhortation that they would kill him. The petitioner then made another exhortation to the co-accused to hit in his head and then he himself gave multiple blows with iron rod on his left arm. In the meanwhile, several persons had reached there and raised clamour and then, the assailants fled from the spot. The complainant was rushed to the hospital. On his complaint, initially, a case under Sections 333, 117(2), 115(2), 324(4), 351(2) and 3(5) of BNS was registered. During the course of investigation and as per the medico legal report, offence under Section 109 of BNS has been added. The investigation is underway. 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, Malerkotla vide order dated 06.11.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The injuries sustained by the victim

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have not been opined to be dangerous to life, hence, the ingredients for commission of offence under Section 109 of BNS are not attracted. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. He has clean antecedents. It is, thus, urged that the petition deserves to be allowed.

4. Notice of motion.

5. Ms. Ruchika Sabherwal, Sr. DAG, Punjab has advance notice of the petition and is ready to argue the matter. It is submitted by her that there are serious and specific allegations against the petitioner. He along with the co-accused voluntarily caused simple as well as grievous injuries on the person of the complainant. The complainant suffered displaced fracture and comminuted fractures. The complainant had even sustained head injury. He has undergone surgery. No exceptional or extraordinary circumstance for grant of anticipatory bail is made out in favour of the petitioner. For conducting thorough and proper investigation, custodial interrogation of the petitioner is must. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner along with the co-accused is alleged to have voluntarily caused simple as well as grievous injuries on the person of the complainant. He has suffered several fractures. The petitioner is also alleged to have made an exhortation thereby instigating the other accused

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to eliminate the victim. The allegations against him are serious and specific in nature. The case is at its nascent stage. For conducting thorough and deeper probe, custodial interrogation of the petitioner is required. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. 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's fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as an inroad in the normal legal procedure of criminal cases by the trial Court. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the

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powers for grant of anticipatory bail by this Court are existing. Keeping in view the gravity thereof, the role attributed to the petitioner, the likelihood of his influencing the course of investigation and also of tampering with the evidence, no ground has been made out for allowing the petition. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

19.12.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No