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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-73463-2025 (O&M)
Date of decision: 24.12.2025

Akash @ Nikki ...Petitioner
Versus
State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Brajesh Kumar Kaundal, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Senior DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of anticipatory bail to the petitioner in FIR No. 0243 dated 22.09.2025, registered under Sections 115(2), 118(1), 126(2), 190, 191(3), 351(3) and 3(5) of Bharatiya Nyaya Sanhita, 2023 (*for short 'BNS'*) [Sections 118(2) and 61(2) of BNS added later on] at Police Station Sadar Jalandhar.
2. The aforementioned FIR was registered on the basis of the statement recorded by complainant Devraj @ Dev alleging that on the evening of 19.09.2025, he was intercepted by the petitioner and co-accused, who came on a motorbike and opened an assault upon him. They were accompanied by 4-5 unknown persons with muffled faces. The petitioner struck a blow with a *kirpan* on the left knee of the complainant, whereas other assailants also caused injuries on his person. He sustained as many as 12 injuries. The injury, which has been attributed to the petitioner, has been declared to be grievous one. Apprehending his arrest, the petitioner had moved an application for grant

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of anticipatory bail before the Court of learned Sessions Judge, Jalandhar but the same had been dismissed, vide order dated 03.12.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The injury attributed to him was on non-vital part of the body of the complainant. The subject offences are triable by the Magistrate. There is delay of three days in reporting the matter to the police. The petitioner is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. No useful purpose would be served by detaining him in custody. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel, who has advance notice of the petition and is ready to argue the matter, has submitted that there are serious and specific allegations against the petitioner. The grievous injury, sustained by the complainant, has been attributed to the petitioner. His custodial interrogation is must for conducting proper investigation in the matter. It is, thus, argued that the petition is liable to be dismissed.

6. This Court has heard the rival submissions.

7. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, is alleged to have opened an assault upon the complainant and is further alleged to have caused him simple as well as grievous injuries. He has also criminally intimidated him after wrongfully restraining him. The allegations levelled against the petitioner are quite serious. No exceptional or extraordinary circumstance has been made out in his favour for grant of

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anticipatory bail. In fact, his custodial interrogation is required for conducting thorough investigation in the matter. The well settled proposition of law is that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation or tampering with evidence including intimidating witnesses. The powers under Section 482 of BNSS are to be exercised in extraordinary and sparing circumstances. More so, custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. Many useful information can be disinterred during custodial interrogation. It has also to be seen that an order of anticipatory bail does not operate as inroad in the normal legal procedure of criminal cases by the trial Court. Keeping in view the discussion as made above, this Court is of the considered opinion that no extraordinary or sparing circumstance entitling the petitioner to seek concession of pre-arrest bail has been made out. Accordingly, the petition is dismissed.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

24.12.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No