



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-7278-2026

Date of Decision : 23.03.2026

JAGIR MASIH @ KALI

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Manoj R. Sharma, Advocate
for the petitioner.

Mr. Gurdeep Singh, AAG, 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.54 dated 11.08.2025, registered against him at Police Station Ghumman Kalan, District Gurdaspur, for the commission of offences punishable u/s 118(1), 115(2), 331(4), 191(3), 190, 118(2) of BNS.

2. Facts necessary for disposal of this petition have been taken from para 5 of the Status report dated 11.03.2026 filed by way of affidavit of Mr. Gurwinder Singh, Superintendent of Police, Sub-Division Kalanaur, District Gurdaspur.

Rana Masih (Complainant), s/o Tufail Masih, r/o Bakhtpur, Police Station Ghumman Kalan, set the criminal law in motion by filing a complaint dated 11.08.2025 pointing therein that on at about 11.30 PM on 10.08.2025, he



along with his wife Bebo was sleeping in the courtyard of their house, he heard some noise and saw Jagir Masih @ Kali (present petitioner) armed with datar, Karan Masih armed with sota, Prithvi Masih armed with sota, Kashmiri armed with sota, Sunil @ Gahlar armed with sota and Babbu armed with sota came there. Jagir Masih (P) raised lalkara for teaching him a lesson and gave datar blow hitting on middle finger and adjoining finger of left hand of complainant - Rana Masih. Kashmiri Masih gave sota blow hitting on right elbow of complainant. Karan Masih gave sota blow hitting on right-side pelvis of complainant. On hearing hues and cries of wife of petitioner, Kala Masih (brother of petitioner) and Husan Masih came to rescue him (C), but accused caused injuries to him also. When the villagers started gathering near, the assailants fled away along with their weapons. Thereafter, complainant and his brother - Kala Masih were admitted to Civil Hospital, Noshehra Majja Singh. Motive behind this occurrence is previous dispute with Jagir Masih @ Kali (petitioner), which took place about three years ago and was compromised. Primarily with this backdrop, he requested police authorities to catch hold of the assailants, who had unleashed an attack on them, as also to initiate appropriate criminal proceedings against them.

Medico Legal Reports of Rana Masih (complainant/injured) and Kala Masih (another injured) reveal that they had suffered three injuries each. Injury No.1 suffered on the middle ring finger of the complainant, caused with sharp edged weapon, was declared 'Grievous in nature'.

The other injured - Kala Masih, who had suffered Head Injury with a sharp edged weapon, attributed to the present petitioner, was also declared 'Grievous in nature'.



It needs to be pointed out that initially on the basis of the complaint and medico legal report, a formal case vide FIR No.54 dated 11.08.2025, u/s 118(1), 115(2), 331(4), 191(3), 190, 118(2) of BNS., was registered against petitioner and others. Offences being triable, petitioner and other accused granted the concession of bail. Subsequently on the basis of medical opinion given by treating doctor with regard to nature of injuries, Sections 118 (2) of BNS was added.

3. Apprehending his arrest, present petitioner had moved an application for grant of pre-arrest bail. The same was dismissed by the learned Sessions Judge, Gurdaspur, in terms of order dated 14.01.2026. Aggrieved of which, the present petition has been filed.

4. Learned counsel for the petitioner submits that petitioner, aged about 25 years, whose past antecedents are clean, has been falsely implicated in the present case. Falsity of the case set up by the prosecution is apparent from the fact that though the alleged incident occurred at about 11.30 PM on 10.08.2025, but the FIR came to be registered after an unexplained delay of 20 hours at about 08.15 PM on 11.08.2025. It is further the submission of learned counsel that though few hours after the incident, the matter was amicably settled before Village Panchayat, wherein complainant agreed not to proceed further. However, only with a view to harass petitioner and other accused, as also to extract illegal monetary benefit from them, complainant resiled from his statement given before the respectables and got the present FIR lodged.

Learned counsel next contends that even if the allegations levelled by the complainant are taken to be true at their face value (though not admitted), petitioner, who was armed with a '*Sickle*' (an agricultural tool), is alleged to have



assaulted complainant with the same, the blow landed on his (complainant's) left hand, a non-vital organ of the body. It has thus been prayed to take lenient view in favour of petitioner, whose past antecedents are clean and who is ready and willing to join the investigation as and when called for by the Investigating Officer.

5. *Per contra*, while referring to the status report dated 11.03.2026 filed by way of affidavit of Mr. Gurwinder Singh, Superintendent of Police, Sub-Division Kalanaur, District Gurdaspur, learned State counsel has opposed the request for grant of pre-arrest bail on the ground that as per enquiry conducted by the police officials, complainant never entered into any kind of compromise with the petitioner. Learned State counsel further submits that the manner in which offence was committed, the role attributed to the petitioner, who at the relevant time being armed with a 'Sickle', was accompanied by other accused, most of whom were also armed with dandas, iron rods etc. and who all after barging inside the house of the complainant, unleashed an attack. Thus, in the light of factual scenario of the case in hand, no case for grant of this extra ordinary relief of pre-arrest bail is made out. Moreover, custodial interrogation of petitioner is needed to recover the weapon used in the commission of offence, as also to know the whereabouts of the other accused, who are still absconding. Dismissal of the petition was prayed for.

6. I have heard learned counsel for the parties and perused the documents available on record.

7. Before expressing any opinion on the submissions raised by learned counsel of the parties, 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."

In ***"Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav vs. The State of Maharashtra and another"*** (2025 AIR SC 3375), the Hon'ble Supreme Court held that *"Anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner."*

Factual aspects leading to the lodging of the FIR have already been noticed in para 2 of this order. In view of submissions raised by learned State counsel, the manner in which the offence was committed, role attributed to the petitioner, who being armed with a 'Sickle', had inflicted injuries with the same to complainant and one Kala Masih. One of such injuries was declared 'Grievous in nature', the Court is of the opinion that in the factual scenario of the case,

petitioner has not been able to make out a case of exceptional depravity/hardship in his favour, entitling him for the grant of this extra ordinary relief of pre-arrest bail as his custodial interrogation is needed to recover the weapon used by him in the commission of offence.

Accordingly, the present petition stands dismissed.

(AARADHNA SAWHNEY)
JUDGE

23.03.2026
Nisha Yadav

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