



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

CRM-M-13614-2026
Date of decision: 12.03.2026

RAHUL KUMAR @ RAHUL

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. B.B.S. Randhawa, Advocate for the petitioner.

Mr. Adesh Pal Singh , AAG, Punjab.

SUBHAS MEHLA, J. (ORAL)

1. Through the instant petition filed under Section 482 Bharatiya Nagarik Suraksha Sanhita, 2023, prayer is for grant of anticipatory bail to the petitioner in case bearing FIR No.333 dated 06.11.2025 registered under Sections 115(2), 118, 118(2), 191(3) and 190 of Bharatiya Nyaya Sanhita, 2023 (for short BNS) at Police Station Civil Lines Batala, District Gurdaspur.

2. Briefly stated, on 20.10.2025 at around 10:00/10:20 PM, a dispute arose between Chottu and Abhey near the house of the complainant and when he tried to stop them, all the accused persons, including, Rahul (petitioner herein), attacked upon the complainant and caused injuries to him. Hence, the FIR was registered. Petitioner is attributed three injuries out of total 7 injuries caused to the complainant. Allegedly, petitioner inflicted *dattar* blow in the middle of the head of complainant, and another above his ear.



Petitioner is attributed a third blow on the right arm (near wrist) of the complainant, as the complainant raised his hand to ward off the attack

3. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case; present FIR has been lodged on the basis of concocted facts, which is evident from 17 days' delay in lodging of FIR; the injuries attributed to the petitioner are simple in nature; the petitioner is having clean and clear antecedents and is not involved in any other case; the petitioner is not required for custodial interrogation as nothing is to be recovered from him and he is ready to join investigation and co-operate with the investigating agency. As such, learned counsel prayed for relief of anticipatory bail to the petitioner.

4. Learned State counsel opposed the prayer made by the petitioner by submitting that he caused injuries on the vital parts of the body of the complainant including head and just above the ear of the complainant, and one grievous injury on the wrist of right hand of the complainant with a deadly weapon i.e. *dattar*; the petitioner is required for his custodial interrogation for recovery of weapon of offence and for collection of evidence. As such, learned State counsel prayed for dismissal of the present petition.

5. Ms. Bhavi Kapur, Advocate has put in appearance on behalf of the complainant and filed her memo of appearance. Learned counsel vehemently opposed the prayer made by the petitioner by submitting that the petitioner was armed with *dattar* i.e. a sharp edged weapon and caused injuries on the vital body parts of the complainant, petitioner inflicted the said injuries with intention to kill the complainant, which has also been observed in the order dated 19.02.2026 passed by learned Additional Sessions Judge,



Gurdaspur, while dismissing the bail application of the petitioner. Learned counsel placed on record the photographs of the injured and also submitted that the petitioner is required for recovery of weapon of offence. Hence, learned counsel prayed for dismissal of present petition seeking anticipatory bail to the petitioner.

6. Heard.

7. Keeping in view the facts and circumstances of the case and the contentions of learned counsel for the parties that the role assigned to the petitioner in commission of crime is that he raised *lalkara* and was armed with *dattar* i.e. a sharp edged weapon and caused three injuries to the complainant on head, above ear as well as in the wrist of right hand i.e. on vital part of the body; the petitioner is required for custodial interrogation for recovery of weapon of offence and for collection of evidence. Accordingly, the petitioner is not entitled to the relief of anticipatory bail.

8. The Hon'ble Supreme Court in case titled as '***CBI Vs. Anil Sharma, 1997 AIR Supreme Court 3806***' decided on **03.08.1997**, emphasized the importance of custodial interrogation by holding that many useful informations and concealed materials may be elicited from a suspect in custody, rather than from a suspect who is well-protected by an order of anticipatory bail, in which case, interrogation may be reduced to a mere ritual.

9. Anticipatory bail is an extra-ordinary relief which can be granted only in exceptional cases deserving of the concession, and is to be granted sparingly, much less in serious offences as those alleged in the present case.

Recently, Hon'ble Apex Court in ***Srikant Upadhyay v. State of Bihar, 2024***



INSC 202, has made the following observation with regard to concession of Anticipatory Bail:-

“We have already held that the power to grant anticipatory bail is an extraordinary power. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule. It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence.”

10. So, taking into consideration the totality of circumstances and the manner in which, the offence has been committed, this Court finds no ground to grant anticipatory bail to the petitioner and the present petition stands dismissed.

11. Nothing observed hereinabove shall be construed as an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

March 12, 2026
manisha

(SUBHAS MEHLA)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |