



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-13751 of 2026

Date of Decision: 12.03.2026

Prabhjot Singh

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Shailender Singh Momi, Advocate
for the petitioner(s).

Mr. Ramender Singh Chauhan, Assistant Advocate General,
Haryana.

Surya Partap Singh, J.

1. This petition for anticipatory bail is the first petition filed by the petitioner under Section 482 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No. 28 dated 19.01.2026, for the commission of offence punishable under Section(s) 115, 190, 191(3) and 351(2) [Section(s) 117(2), 118(1) and 118(2) added later on] of 'the Bharatiya Nyaya Sanhita, 2023' Police Station Shahbad, District Kurukshetra, Haryana.

2. Briefly stating the facts emerging from the record are that the FIR of this case came into being at the instance of 'Aryan', hereinafter being referred to as "complainant" only. It was stated by the complainant that on 18.01.2026 he along with 'Harinder Singh' and 'Atul Mor' was flying kites in the field of 'Atul Mor'. According to complainant there 'Prabhjot Shyama', 'Uday Dhindsa' and 'Prabhgukhura' and eight/nine other persons came on four/five motorcycles. As per complainant, 'Prabhjot Shyama' and

'Prabhgukhura' with knives and 'Uday Dhindsa' and other assailants with

wooden handles. The complainant further alleged that on arrival at the spot they exhorted to teach a lesson to the complainant and thereafter, they launched an assault upon the petitioner and inflicted multiple injuries on his person. The complainant also stated that in the above-mentioned incident he had suffered multiple injuries.

3. The complainant further stated that 'Prabhgukhura' inflicted an injury on his right hand with the help of a wooden handle and 'Prabhjot Shyama' had attacked 'Harinder Singh' and inflicted injury with knife which pierced through his left arm. While claiming that other assailants, too, had inflicted injuries on their person with the help of their respective weapons, it was alleged by the complainant that when they screamed for help the people present in the vicinity arrived at the spot and thereafter, the assailants fled from the spot.

4. **Notice of motion.**

5. Since advance notice has already been served upon the State, Mr. Ramender Singh Chauhan, Assistant Advocate General, Haryana accepts notice on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with.

6. Heard.

7. It has been contended by learned counsel for the petitioner that the petitioner is innocent and no serious injury, which can be termed to be dangerous to life injury has been inflicted on the person of any of the injured by the petitioner. While claiming that nothing is left to be recovered from the possession of petitioner and the offence is triable by the court of learned

Judicial Magistrate the learned counsel for the petitioner has requested for

the benefit of anticipatory bail for the petitioner.

8. The learned State counsel has controverted the above-mentioned arguments. According to learned State counsel the serious most injury in the incident has been caused by the petitioner as he, with the help of knife, had inflicted injury on the person of 'Harinder Singh' and the injury caused by the petitioner was on the wrist of the injured 'Harinder Singh' as the knife had pierced through his wrist.

9. The record has been perused carefully.

10. A careful perusal of record shows that in the present case, following are the relevant factors which are necessary to be taken into consideration for a decision:-

- i) that in the present case although the offence is triable by the court of learned Judicial Magistrate, but the allegations against the petitioner are for the commission of offence is punishable with imprisonment of life.
- ii) that a prominent role in the commission of crime has been attributed to the petitioner;
- iii) that the name of the petitioner finds mentioned in the FIR.
- iv) that the petitioner was in possession of a sharp-edged weapon.
- v) that the injury which has been declared to be grievous has been attributed to the petitioner, with the help a sharp-edged weapon.

11. With regard to use of discretion for granting anticipatory bail,

the Hon'ble Supreme Court of India in the case of 'Srikant Upadhyay v. State of Bihar 2024 SCC OnLine SC 282', has observed that power to grant anticipatory bail is extraordinary power, and that irrespective of the fact that in a number of cases, it has been held that bail is a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is a rule.

12. The Hon'ble Supreme Court of India in the above mentioned case has further observed that rule of anticipatory bail is a question of judicial discretion depending upon the facts and circumstances of each case. According to Hon'ble Apex Court, when called upon to exercise the above said power the Court concerned has to be very cautious, as the grant of interim protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation.

13. The Supreme Court of India in the case of 'Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. The State of Maharashtra and Another' [Special Leave Petition (Criminal) No. 10255 of 2024, decided on 21.07.2024], has observed that anticipatory bail is an exceptional remedy and it ought not be granted in a routine manner. As per the Hon'ble Supreme Court, there must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offence.

14. Similarly, in the case of 'Gurbaksh Singh Sibba etc. v. State of Punjab' 1980 SCC (2) 565, the Hon'ble Supreme Court of India held that:-

- i) The power under Section 438, Criminal Procedure Code, is of an extraordinary character and must be exercised sparingly in exceptional cases only.
- ii) In addition to the limitations mentioned in Section 437, the petitioner must make out a special case for the

exercise of the power to grant anticipatory bail.

- iii) Where a legitimate case for the remand of the offender to the police custody under Section 167(2) can be made out by the investigating agency or a reasonable claim to secure incriminating material from information likely to be received from the offender under Section 27 of the Evidence Act can be made out, the power under Section 438 should not be exercised.

15. With regard to instant case, this fact cannot be ignored that the petitioner has approached this Court for the benefit of anticipatory bail which will result into denial of opportunity to the Investigating Agency to interrogate the petitioner. The right of custodial interrogation of an accused is a valuable right of the Investigating Agency and unless extraordinary circumstance exists such right should not be denied to the Investigating Agency.

16. Taking into consideration the cumulative effect of all the above discussed factors, it is hereby observed that at this stage, the petitioner is not entitled for the benefit of anticipatory bail and the present petition being devoid of merits deserves dismissal. Hence, the present petition is hereby **dismissed**, accordingly.

17. It is, however, clarified that any observations made in the above-mentioned order shall not be construed as an expression of opinion on the merits of the case.

(Surya Partap Singh)
Judge

March 12, 2026
“DK”

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No