



CRM-M-16545-2024 (O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM-M-16545-2024 (O&M)****Reserved on : 06.02.2026****Pronounced on : 18.02.2026**

Mandeep Singh

..... Petitioner

VERSUS

State of Punjab & Anr.

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by : Mr. Kashish Aggarwal, Advocate for
Mr. Raghav Chadha, Advocate for the petitioner.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

Mr. Jasinder Singh Sekhon, Advocate for the respondent No.2.

SURYA PARTAP SINGH, J.

This petition seeking for cancellation of anticipatory bail granted to the respondent No.2, has been moved under Section 439(2) read with Section 482 of Criminal Procedure Code.

2. Briefly stating the facts emerging from record are that for the commission of offence punishable under Sections 279, 337, 338, 186, 353 of Indian Penal Code, the FIR No.21 dated 05.02.2024 was lodged in Police Station City Nawanshahr, District SBS Nagar. The abovementioned FIR came into being at the instance of 'Mandeep Singh', hereinafter being referred to as 'complainant' only. It was stated by above-named complainant that he was posted as Head Constable in Police Station City Nawanshahr

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District SBS Nagar, and that on 03.02.2024, he was a member of police team led by ASI Satnam Singh. As per complainant, when the abovementioned police team was on patrolling duty near Mahinderpur bridge at Garhshankar road at about 01:40 pm, a white colour car bearing registration No.PB65-AX-8743 is coming from Nawanshahr side, was spotted.

3. It was further stated by the complainant that two persons were travelling in the abovementioned car and for the purpose of checking, when a signal was given to them to stop the car, the driver of the car instead of applying the break, accelerated it. According to complainant, while driving the abovementioned car in the abovementioned negligent manner, the car hit the complainant, and he was dragged for a short distance. It was further alleged by the complainant that in the abovementioned accident, he had suffered injuries on various body parts, and that the above-named person had managed to run away from the spot.

4. It is the case of the prosecution that in view of abovementioned statement, formal FIR of this case was lodged and the investigation taken up. According to prosecution during the course of investigation, on the basis of source information, it was found that the name of the person, who was driving the car, was 'Mohit Bassi @Mohit'. As per prosecution, when Mohit Bassi @Mohit was arrested, he disclosed the name of respondent No.2.

5. It is relevant to mention here that once the FIR was lodged and the investigation taken up, the petitioner approached the Court of learned Additional Sessions Judge SBS Nagar and sought anticipatory bail. The

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learned Additional Sessions Judge SBS Nagar vide order dated 19.03.2024 has admitted the petitioner to interim anticipatory bail.

6. Aggrieved of the abovementioned order, the present petition has been filed.

7. The present petition has been filed on the ground that the ghastly incident had taken place on 03.02.2024 at the check post near Mahinderpur bridge at Garhshankar road, and that the benefit of anticipatory bail has been accorded to the petitioner in violation of settled principles of law.

8. Arguments addressed on behalf of all the parties have been heard.

6. It has been contended on behalf of petitioner that a bare perusal of order dated 19.03.2024 (Annexure P-2) shows that it has been passed in a cryptic and mechanical manner without elaborating the reason for grant of such concession, and that the impugned order is bereft of relevant reasoning. While referring to the principles of law laid down in the cases of ‘GudikantiNarasimhulu & Ors. V/s Public Prosecutor, High Court of Andhra Pradesh’ (1978) 1 SC 240, ‘Prahlaad Singh Bhati V/s NCT of Delhi & Ors.’ (2001) 4 SCC 280, ‘Anil Kumar Yadav V/s State of NCT of Delhi’ (2018) 12 SCC 129, ‘Ash Mohammad V/s Shiv Raj Singh @Lalla Bahu & Anr.’ (2012) 9 SCC 446, ‘Neeru Yadav V/s State of U.P. & Anr.’ (2016) 15 SCC 422 and ‘Manoj Kumar Khokhar V/s State of Rajasthan & Anr.’ 2022



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LiveLaw (SC), the learned counsel for the petitioner has contended that the benefit of anticipatory bail can be granted in exceptional circumstances only and in the present case, there existed no such circumstance.

7. While claiming that the offence committed by the respondent No.2 comes within the ambit of 'heinous offence', for which a severe punishment has been prescribed, the benefit of anticipatory bail should not have been accorded to the respondent No.2.

8. In addition to above, the learned State Counsel has contended that the parameters prescribed for grant of anticipatory bail were not considered by the learned Additional Sessions Judge while dealing with the application of respondent No.2 for anticipatory bail, and that the learned Court of Additional Sessions Judge SBS Nagar has failed to take into consideration *firstly* the gravity of offence; *secondly*, the medico-legal report, and *thirdly* that the facts were yet to be crystallized. While claiming that the victim had suffered seven injuries including grievous injuries, such as fracture, the grant of benefit of anticipatory bail to the respondent No.2 amounts to miscarriage of justice. It has also been claimed by learned State Counsel that on account of injuries suffered in the accident, the victim is suffering from 75% disability.

9. The learned counsel for the respondent No.2 has controverted the abovementioned arguments. It has been contended by learned counsel for the respondent No.2 that in the present case a false story has been cooked-up by the complainant, who himself is a police official, and that by magnifying



the incident a colour has been given to a petty incident into a heinous crime. According to learned counsel for the respondent in the present case, a discretion has been exercised by the learned Additional Sessions Judge while granting interim anticipatory bail to the respondent No.2, and that once a discretion is exercised by a Court within its jurisdiction, unless the abovementioned discretion is patently illegal or contrary to settled principles of law, the same should not be interfered with either in a revision petition or a petition for quashing under Section 482 of CrPC.

10. It has also been contended by learned counsel for the respondent No.2 that in the present case the discretion has been rightly exercised by the learned Additional Sessions Judge while granting anticipatory bail to the respondent No.2 as the respondent No.2 has no criminal antecedents, and the identity of respondent No.2 is in dispute as the name of respondent No.2 nowhere finds mention in the FIR. It has also been contended by learned counsel for the respondent No.2 that the investigation in this case is already complete, and therefore, nothing is left to be recovered from the possession of respondent No.2. While claiming that there is no scope for indulgence or interference of extraordinary jurisdiction of this Court, the learned counsel for the respondent No.2 has sought for dismissal of present petition.

11. The record has been perused carefully.

12. At the very outset, it is relevant to mention here that by virtue of present petition, the order dated 19.03.2024 has been challenged.



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However, a perusal of record shows that by virtue of order dated 03.04.2024, the order dated 19.03.2024 has been made absolute. The subsequent order dated 03.04.2024 has not been challenged by the petitioner in this petition.

13. Since the interim order dated 19.03.2024 stands merged with the final order dated 03.04.2024, and the final order has not been challenged, it is hereby held that the present petition in the present form is not maintainable. Hence, it is hereby held being not maintainable, the present petition deserves dismissal.

14. Otherwise also a perusal of impugned order shows that there is no illegality or perversity in the impugned order, which may require the interference or revisional jurisdiction of this Court. Hence it is hereby held that on merits also, the present petition deserves dismissal.

15. In view of above stated observations the instant petition is hereby dismissed.

16. However, it is clarified that the abovementioned observations shall not have any bearing upon the merits of the case.

17. Pending miscellaneous application(s), if any, also stand(s) disposed of, accordingly.

(SURYA PARTAP SINGH)
JUDGE

18.02.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No