



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-14164 of 2026

Date of Decision: 16.03.2026

Onkar Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

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

Present: Mr. Raghav Soni and Manjit Kansara, Advocates
for the petitioner(s).

Mr. Eklavya Darshi, Deputy Advocate General,
Punjab.

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. 308 dated 24.12.2025, for the commission of offence punishable under Section(s) 318(4) and 341(2) of 'the Bharatiya Nyaya Sanhita, 2023' Police Station City Rajpura, District Patiala, Punjab.

2. The FIR of this case came into being at the instance of 'Gulzar Singh' hereinafter being referred to as "complainant" only. It was stated by the above named complainant that he came to know from his friend 'Mohan Singh' that another vehicle carrying the same number plate, i.e. No. PB-11-CF-8897, was seen by him on the Rajpura-Delhi road. According to complainant, on 13.12.2025, he found that the above said vehicle was

parked near Rajpura Bypass and on enquiry the driver of the above-mentioned vehicle disclosed his name as 'Onkar Singh' (petitioner herein). As per complainant when he asked the driver of the above-mentioned vehicle to produce the documents of the vehicle, the petitioner failed to do so and thereafter, abandoned the vehicle and did not return. While alleging that the petitioner had affixed a fake number plate on his vehicle, the action was sought by the complainant, against the accused.

3. It is the case of the prosecution that in view of above-mentioned complaint, formal FIR of this case was lodged and the investigation taken up.

4. **Notice of motion.**

5. Since advance notice has already been served upon the State, Mr. Eklavya Darshi, Deputy Advocate General, Punjab 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 an illiterate innocent person who had no intention to cheat the complainant, and that in fact he himself is the victim of fraud played upon him by the person who sold the above-mentioned truck to him. While claiming that the petitioner has clean antecedents, the learned counsel for the petitioner has sought for the benefit of anticipatory bail for the petitioner.

8. *Per contra*, the learned State counsel has contended that the petitioner had been using a fake number plate and was plying a truck without bearing any registration certificate, and that the above-mentioned action of

the petitioner cannot be bonafide as the petitioner never received the registration certificate of the vehicle.

9. The record has been perused carefully.

10. With regard to use of discretion for grant of 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.

11. 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.

12. 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.

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

- a) The power under Section 438, Criminal Procedure Code, is of an extraordinary character and must be exercised sparingly in exceptional cases only.
- b) 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.
- c) 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.

14. It is relevant to mention here that 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.

15. In the light of above-mentioned principles of law, if the factual matrix of the case is analyzed, it transpires that:-

- i) the petitioner who is trying to claim his innocence has failed to take necessary precautions before alleged purchase of vehicle;

- ii) his conduct at the time when he was approached by the complainant reflects an element of *mens rea*, as the petitioner fled from the spot and abandoned his vehicle on the road;

16. In the present case, it is also relevant to mention here that the implications of the act committed by the petitioner could have created a difficult situation for the complainant, because in case of any criminal liability due to rash and negligent driving etc. the burden would have been upon the complainant. Thus, taking into consideration the cumulative effect of all the above discussed factors, in order to extract the real intentions of the petitioner with regard to commission of offence, his custodial interrogation is necessary. In view of above it is hereby held that 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 16, 2026
“DK”

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