

2026:PHHC:048126



137 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16556-2026
Date of Decision: 25.03.2026

Vishal @ Vikram ...Petitioner

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Randeep S. Dhull, Advocate, for the petitioner.

Ms. Shweta Nahata, DAG, Haryana.

Mr. Sanjay Verma, Advocate
for the complainant.

AARADHNA SAWHNEY, J. (ORAL)

1. Petitioner, accused in case FIR No.60 dated 07.03.2026 registered against him, under Sections 115/126/190/191(3)/351(2)/304 BNS, at Police Station Bilaspur, District Yamuna Nagar, has filed the petition for grant of pre-arrest bail under Section 482 of BNSS.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

“Aman S/o Sumit, R/o Jain Colony, Bilaspur, Distt. Yamuna Nagar, pursuing B. Tech. from Chandigarh, set the criminal law in motion by filing a complaint pointing therein that on 05.02.2026, he was visiting his parents in Bilaspur. At about 03:00 p.m. he along with his cousin Aarush had gone to the market to purchase certain household articles. On account of traffic jam, they took an alternate route. At about 03:15 p.m. when they reached near Saraswati Colony, suddenly a black coloured Scorpio car came from behind and overtook them. The driver of the car suddenly

parked the vehicle in front of the motorcycle. Before he (c) could react, 06 young boys alighted from the said vehicle and unleashed an attack. Complainant was able to identify some of the assailants, who were also named by him, Vishal i.e. the present petitioner being one of them. Complainant further alleged that while he and his cousin brother were being mercilessly assaulted, one of the assailants namely Saranpreet made a video. All the assailants announced that the 'Video' would be made viral. As the crowds started swelling, the assailants ran away but not before issuing threat to him(c) that if discloses the incident to anyone he would be done to death. Complainant alleged that Rs.5000/- were forcibly snatched from his pocket. Arrangements were made and he was rushed to the hospital. On account of threats issued by the assailants, who are persons of questionable past antecedents, he (c) was so shaken and frightened that he did not narrate about the incident even to his family members. After few days, when he was in a better mental frame of mind, he shared the incident with his family members and lodged the complaint. Towards the end, he requested the police authorities to catch hold of the assailants, who had mercilessly assaulted him and also snatched cash from him, as also to initiate appropriate legal proceedings against them. On the basis of the said complaint and medico-legal reports formal case vide FIR No.60 dated 07.03.2026 u/s 115/126/190/191(3)/351(2)/304 BNS, P.S. Bilaspur, District Yamuna Nagar, was registered.

3. Apprehending his arrest, the present petitioner moved an application for grant of anticipatory bail before the Ld. Additional Sessions Judge, Yamuan Nagar at Jagadhri. The same was dismissed in terms of the order dated 20.03.2026. Aggrieved of which, the present petition has been filed.

4. Learned counsel for the petitioner contends that petitioner a young boy aged about 25 years, has been falsely implicated in the present case.

Falsity of the case set up by complainant is apparent from the fact that there has been unexplained delay of approximately one month in lodging the present FIR. This intervening period was misused by complainant party to concoct facts to suit their convenience. In fact, the incident did not occur in the manner as portrayed by complainant party, who were the aggressors and had picked up a fight with the petitioner and his other accomplices on a petty trivial issue. Petitioner was only exercising his right of private defence, when the physical altercation occurred. It is further the submission of learned counsel that the photographs placed on the record and the video clipping of the incident clearly reveals that petitioner who was armed with a '*Danda*' did not inflict any injury to the complainant. It is further the submission of learned counsel that no valuables of complainant was ever snatched. Section 304 BNS was inserted only with a view to aggravate the entire incident. Towards the end, learned counsel contends that though nothing is to be recovered at the instance of the petitioner, custodial interrogation of the petitioner is not needed, for nothing is to be recovered from him but he is ready and willing to join the investigation as and when called for. Prayer for allowing the application has been made.

5. *Per contra*, while opposing the request for grant of bail, learned State counsel accompanied by learned counsel for the complaint vehemently contend that petitioner and his accomplices are habitual offenders. At the relevant time and day, when complainant was assaulted mercilessly by all the accused, one of them actually videographed the entire incident and threatened to make it 'viral' just only to let down complainant and his cousin brother. Petitioner and his accomplices are self-proclaimed goons of the area and had threatened complainant that in case he narrates the incident to anyone else, he shall be done to death. Complainant a young boy, who is a student was so terrified of the assailants that he kept quite for some time. Though later, he

mustered up the strength and initiated criminal proceedings by lodging the FIR.

Learned counsel for the complainant has also placed on record the medico-legal report of the complainant, which indicates that immediately thereafter the incident that occurred on 05.02.2026, he was rushed to Civil Hospital, Jagadhri and was examined there. The treating doctor noticed 08 injuries on his person and mentioned them as such. This medical document corroborates the stand of the complainant that untoward incident had occurred at the relevant time and day; there being nothing on record to suggest that complainant has any prior enmity with the petitioner and other accused and thus, falsely dragged them in the present case.

Towards the end, learned counsel contends that the custodial interrogation of the petitioner is needed to know the whereabouts of the other accused, who have till date not been arrested, to recover the mobile phone containing the video, to recover the snatched cash as also the Scorpio car in which they all had arrived at the site. In the light of the aforesaid submissions it has been prayed that petitioner has failed to make out a case of grant of this extraordinary relief of pre-arrest bail. Prayer for dismissing the application has been made.

6. I have heard learned counsel for the parties and carefully perused the documents 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 the Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

It is settled principle that grant of Bail is the rule and jail is the

exception. Hon'ble Supreme Court in "***Gurbaksh Singh Sibbia V. State of Punjab***", ((1980) 2 SCC 5) held as under:-

"27. It is not necessary to refer to decisions which deal with the right to ordinary bail because that right does not furnish an exact parallel to the right to anticipatory bail. It is, however, interesting that as long back as in 1924 it was held by the High Court of Calcutta in [Nagendra v. King-Emperor](#) [AIR 1924 Cal 476, 479, 480 : 25 Cri LJ 732] that the object of bail is to secure the attendance of the accused at the trial, that the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial and that it is indisputable that bail is not to be withheld as a punishment. In two other cases which, significantly, are the 'Meerut Conspiracy cases' observations are to be found regarding the right to bail which deserve a special mention. In [K.N. Joglekar v. Emperor](#) [AIR 1931 All 504 : 33 Cri LJ 94] it was observed, while dealing with Section 498 which corresponds to the present Section 439 of the Code, that it conferred upon the Sessions Judge or the High Court wide powers to grant bail which were not handicapped by the restrictions in the preceding Section 497 which corresponds to the present Section 437. It was observed by the court that there was no hard and fast rule and no inflexible principle governing the exercise of the discretion conferred by Section 498 and that the only principle which was established was that the discretion should be exercised judiciously. In [Emperor v. Hutchinson](#) [AIR 1931 All 356, 358 : 32 Cri LJ 1271] it was said that it was very unwise to make an attempt to lay down any particular rules which will bind the High Court, having regard to the fact that the legislature itself left the discretion of the court unfettered. According to the High Court, the variety of cases that may arise from time to time cannot be safely classified and it is dangerous to make an attempt to classify the cases and to say that in particular classes a bail may be granted but not in other classes. It was observed that the principle to be deduced from the various sections in the [Criminal Procedure Code](#) was that grant of bail is the rule and refusal is the exception. An accused person who enjoys freedom is in a much better position to look after his case and to properly defend himself than if he were in custody. As a presumably innocent person he is therefore entitled to freedom and every opportunity to look after his own case. A presumably innocent person must have his freedom to enable him to establish his innocence.

28. Coming nearer home, it was observed by Krishna Iyer, J., in [Gudikanti Narasimhulu v. Public Prosecutor](#) [(1978) 1 SCC 240 : 1978 SCC (Cri) 115] that: (SCC p. 242, para 1)

"... the issue of bail is one of liberty, justice, public safety and burden of the public treasury, all of which insist that a developed jurisprudence of bail is integral to a socially sensitized judicial process. . . . After all, personal liberty of an accused or convict is fundamental, suffering lawful eclipse only in terms of procedure established by law. The last four words of [Article 21](#) are the life of that human right."

29. In [Gurcharan Singh v. State \(Delhi Administration\)](#) [(1978) 1 SCC 118 : 1978 SCC (Cri) 41] it was observed by Goswami, J., who spoke for the court, that: (SCC p. 129, para 29)

“29“There cannot be an inexorable formula in the matter of granting bail. The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail.”

30. In AMERICAN JURISPRUDENCE (2d, Volume 8, p.806, para 39), it is stated:

“Where the granting of bail lies within the discretion of the court, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the court, the primary inquiry is whether a recognizance or bond would effect that end.”

It is thus clear that the question whether to grant bail or not depends for its answer upon a variety of circumstances, the cumulative effect of which must enter into the judicial verdict. Any one single circumstance cannot be treated as of universal validity or as necessarily justifying the grant or refusal of bail.”

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.”

8. Factual aspects of the case leading to the lodging of the FIR have already been noted in para 2 of the order. Petitioner was named in the FIR along with some other persons, who as per complainant had blocked his way by parking their Scorpio car in the middle of the road, when he (c) and his cousin brother Aarush were going to the market at the relevant time and day. In the onslaught unleashed by petitioner and his accomplices, complainant suffered 08 injuries. Even his cousin brother was not spared, who was also inflicted seven (07) injuries. MLRs prepared by the treating doctor of the Govt. Hospital, Jagadhri, (which have been placed on record by the counsel for the complainant) mention the number and nature of the injuries suffered by both the injured. At this stage, the said reports corroborate the stand of the

complainant; there being nothing to doubt the same. As has been rightly pointed out by learned State counsel accompanied by counsel for the complainant, the effect of delay in lodging the criminal proceedings, is a matter which would be appreciated by the learned trial Court after parties lead their respective evidence.

The most disturbing part of the incident, as can be inferred from the documents brought on record is that while complainant and his cousin brother were being assaulted by the accused, who all proclaim to be 'Goons' of the area, one of them was busy in videographing the entire incident; the idea being only to let down complainant and his family members as also to instill fear in the residents of the locality.

In the light of the discussion made hereinabove, this Court is of the opinion that petitioner, whose past antecedents are quite questionable (being involved in two other cases of like nature, one of which being under the Arms Act also) has not been able to make out a case of exceptional depravity/hardship in his favour entitling him the grant of this extraordinary relief of pre-arrest bail, for his custodial interrogation is needed to know the whereabouts of the other accused, none of whom have been arrested till date; to recover mobile phone from which the video was made and the Scorpio car in which they all had arrived at the site, as also to recover the snatched cash.

The petition being devoid of merit, is hereby dismissed.

25.03.2026
Parveen kumar

(AARADHNA SAWHNEY)
JUDGE

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