



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-17570 of 2026

Date of Decision: 02.04.2026

Gurlal Singh alias Lal

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

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

Present: Mr. Rakesh Kumar, Advocate
for the petitioner(s).

Mr. I.P.S.Sabhardwal, 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. 203 dated 29.07.2025, for the commission of offence punishable under Section(s) 109, 118(1), 115(2), 126(2), 351(2), 191(3) and 190 of 'the Bharatiya Nyaya Sanhita, 2023' Police Station Ajnala, District Amritsar, Punjab.

2. The FIR of this case came into being at the instance of 'Amarjit Singh' hereinafter being referred to as "complainant" only. It was stated by the above named complainant that on 23.07.2025 he, along with his son, namely 'Gopi' and wife 'Chambo', was going from Ajnala to his native village Kotli Koka. According to complainant at about 01.30 P.M.

when they were about to reach village Fattowal, 'Satbir Singh', 'Gurlal Singh alias Lal' (the petitioner herein) and 'Shera' all armed with '*Dattars*' blocked their passage, waylaid them and that they were joined by three other assailants, who, too, were armed with similar weapons. As per complainant on the call of 'Gama Singh', 'Satbir' attacked his son 'Gopi' and when he tried to rescue his son, he, too, came under attack. The details of the injuries suffered by each of them were provided by the complainant in the above-mentioned statement. According to above-mentioned statement four injuries were inflicted on the person of complainant.

3. It is the case of prosecution that pursuant 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.I.P.S.Sabharwal, 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 on behalf of petitioner that the petitioner is innocent who has been falsely implicated in the present case, and that the prime accused in this case, i.e. 'Satbir Singh' has already been arrested and he is in custody. According to learned counsel for the petitioner there was a dispute between the parties as the daughter of 'Tarsem Singh', a relative of complainant, had eloped with one of the assailants, namely 'Satbir Singh'.

According to learned counsel for the petitioner as per contents of the FIR the

injury which has been declared dangerous to life has been attributed to co-accused, namely 'Satbir Singh' and not to the petitioner. It has been further contended that nothing has to be recovered from the possession of petitioner, and that the petitioner has clean antecedents. In view of above, the learned counsel for the petitioner has urged 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 in the present case five injuries have been specifically attributed to the petitioner. It has also been contended by learned counsel for the petitioner that attack upon the family of the complainant was a pre-planned attack launched with the help of deadly weapons, and that in view of gravity of offence the petitioner is not entitled for the benefit of anticipatory bail. It has also been contended by learned State counsel that in the present case the weapon of offence is yet to be recovered, and for that purpose custodial interrogation of the petitioner is necessary.

9. The record has been perused carefully.

10. A perusal of the record shows that in the present case when the FIR was lodged the name of petitioner figured therein. In the FIR a specific role has been attributed to the petitioner and as per complainant at the time of commission of offence the petitioner was carrying a deadly weapon in his hand. The contents of the FIR also reveals that it was a pre-planned assault and dangerous to life injury has been inflicted with a deadly weapon.

11. 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.

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 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.

15. It shall not be out of place to mention here that the right of custodial interrogation of an accused by the Investigating Agency is a valuable right and in the given fact-situation if the above-mentioned right is denied to the Investigating Agency it may result into miscarriage of justice, as the Investigating Agency would be deprived of opportunity to collect relevant evidence.

16. Taking into consideration the cumulative effect of all the above-mentioned factors, it is hereby observed that no extraordinary circumstances exist in this case, which may warrant the exercise of extraordinary jurisdiction vested in this Court, as enshrined under Section 482 of BNSS. Hence, finding no merits the present petition is hereby **dismissed**.

(Surya Partap Singh)
Judge

April 02, 2026
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No