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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.17360 of 2026
Date of decision: 16.04.2026

Himanshu Ghai @ Damru ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Nagar Singh, Advocate,
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
14	14.01.2026	Sultanpur Lodhi, District Kapurthala	109, 115(2), 191(3), 190 and 126(2) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) (351(2) of BNS added later on)

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2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Simranjit Dhir alleging that on the night of 13.01.2026 while taking a walk, she had reached near the shop of her nephew Vijay Kumar and had seen the petitioner along with the co-accused and some other unknown persons while standing outside his shop and assaulting Arshdeep son of Joginderpal with the weapons which they were carrying. Within the sight of the complainant, her nephew Vijay Kumar had come out of his shop but was wrongfully restrained by accused Love and Preet who caught hold of his arms. Accused Kashish Kumar struck a blow with datar on the head of Vijay Kumar. Accused Bobby struck blow with datar on the head of victim Arshdeep. Accused Karandeep Singh struck blow on Vijay Kumar and all others also caused injuries to them with their respective weapons. The petitioner had struck blow with a bracelet (karha) on the face of Vijay Kumar. After registration of FIR, investigation proceedings were initiated. On 15.01.2026, a cross case bearing DDR No.1 was registered on the statement of Ajay Kumar a member of the group of the present petitioner. Investigation is underway. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which was dismissed by the Court of learned Sessions Judge, Kapurthala vide order dated 20.02.2026.

3. It is argued by learned counsel for the petitioner that he has

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been falsely implicated in this case. It is a case of version and cross version and a cross case has been registered against the members of the complainant party. Vijay Kumar nephew of the complainant had struck blow with a datar on the head of Ajay Kumar with intent to kill him. Arshdeep alleged victim in the FIR had also given kicks to him on the fateful day. He had sustained three injuries at their hands. No specific injury has been attributed to him. The CCTV footage does not show his presence. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, therefore, argued that the petition deserves to be allowed.

4. Status report has been filed. Learned Assistant Advocate General, Punjab while relying upon the status report has vehemently argued that there are serious and specific allegations against the petitioner. His custodial interrogation is required for conducting thorough investigation in the matter. There is no extraordinary or exceptional circumstance for grant of pre arrest bail. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner by forming membership of an unlawful assembly with the co-accused is alleged to have voluntarily caused simple as well as grievous injuries on the person of Vijay Kumar and Arshdeep. Though it is a case of version and cross version as injury by

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one member of group of the petitioner is also alleged to have been sustained at the hands of members of the complainant party, however, there are specific allegations against the petitioner that he had struck blow with karha on the face of victim Vijay Kumar. For conducting thorough and proper investigation in the matter, the custodial interrogation of the petitioner is required. In case, the same is denied to the investigation agency, that shall leave many glaring loopholes and gaps, adversely affecting the investigation. Even otherwise, the well settled proposition of law is that the powers for grant of pre arrest bail are required to be exercised in extraordinary and exceptional circumstances whereas no such circumstances are made out in the present case. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

16.04.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No