



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

204

CRM-M No.18157 of 2026
Date of decision: 26.05.2026

Gagan @ Gagan Masih and others

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Rajat Dogra, Advocate,
for the petitioners.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been jointly filed by the petitioners 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
12	21.01.2026	Bhindi Saidan, District Amritsar Rural	118(2), 115(2), 126(2), 351(2), 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) (118(1) of BNS added later on)

2. Brief facts relevant for the purpose of disposal of this petition

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are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Sarwan Masih alleging therein that on the evening of 02.09.2025, he along with his nephew Arsh Masih was going to deliver milk to a dairy and when they were on the outskirts of the village, they were intercepted by the petitioners and the co-accused most of whom were armed with weapons. Accused Santokh Masih made an exhortation by proclaiming that the complainant should be caught and taught a lesson for quarrelling with them. Then an attack was opened by accused Prem Masih upon him by striking a blow with datar which injured his left wrist. The remaining assailants also caused injuries to him with their respective weapons. His nephew Arsh Masih rushed for his rescue but he too sustained injuries at the hands of the assailants. The petitioner No.1 struck a blow with gandasi on the left arm of his nephew. The petitioner No.2 Shamaoun @ Shamaoun Masih struck blow with gandasi on the left side of head of the complainant whereas the petitioner No.3 Ajay Masih struck a blow with sword on the forehead of the nephew of the complainant. All of them extended beatings to them. On clamour being raised, they fled from the spot. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioners No.1 and 2 moved separate applications for grant of anticipatory bail which have been dismissed by the Court of learned Additional Sessions Judge, Amritsar vide order dated 12.02.2026 and the petitioner No.3 has also filed application for

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grant of anticipatory bail which has also been dismissed by the Court of learned Additional Sessions Judge, Amritsar vide order dated 26.02.2026

3. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. Infact, it is a case of version and cross version. Three members of their group namely, Manual, Rachhpal Masih and Gagan had sustained injuries at the hands of members of the complainant party. The petitioner No.1 Gagan has also suffered two injuries and Manual had received simple as well as grievous injuries on his person and Rashpal Masih another member of their group sustained seven injuries. A false story has been concocted by the complainant. There is delay of more than three and half months in lodging of the FIR which has not been explained. Co-accused of the petitioners have been extended benefit of pre arrest bail. On parity, they too deserve to be extended the same benefit. It is, therefore, argued that the petition deserves to be allowed.

4. Per contra, learned State counsel has argued that keeping in view the gravity of the allegations as levelled against the petitioners, they do not deserve to be extended benefit of pre arrest bail.

5. This Court has considered the rival submissions.

6. The petitioners are alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, are alleged to have caused simple as well as grievous injuries to the members of group of the complainant party. Though it is

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submitted that it is a case of version and cross version and members of group of the petitioners had also sustained injuries in the same occurrence, however, no material has been placed on record to this effect by the petitioners. The allegations make out a prima facie case for commission of subject offences as against the petitioners. The victims had suffered simple as well as grievous injuries caused by some sharp edged weapon also. Taking into consideration the specific part attributed to the petitioners and the nature of the allegations, this Court is of the considered opinion that their custodial interrogation is required for conducting proper and thorough investigation in the matter. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant's fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as an inroad in the normal legal procedure of criminal cases by the trial Court. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has

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to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. Keeping in view the gravity thereof, the role attributed to the petitioners, the likelihood of their influencing the course of investigation and also of tampering with the evidence, no ground has been made out for allowing the petition. 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.

26.05.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No