

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:069516



213

CRM-M-19964-2026 (O&M)

Date of decision:05.05.2026

Rajiv Khokhar @ Rajiv

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rajat Dogra, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

Mr. Tanveer Singh, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case arising out of FIR No.13, dated 31.01.2026, registered under Sections 109, 115(2), 191(3) and 190 of the BNS and Sections 25 and 27 of the Arms Act, at Police Station 'A' Division, Amritsar, District Amritsar.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant – Kanwaljit Singh, alleging therein that he was working as a driver for Gurjit Singh and used to drive his vehicle. On the intervening night of 30/31.01.2026, he had loaded one machine on his vehicle at Majitha Road Amritsar and was going towards

bus stand in his vehicle accompanied by Akshay, operator of the machine. They had stopped their vehicle at Hussainpura chowk for the purpose of having dinner. When they came out of their vehicle, two cars had stopped near him and the occupants thereof asked about the way to Darbar Sahib Amritsar. When the complainant was telling those persons the directions for Darbar Sahib, Amritsar, in the meanwhile, 05 youths reached there and caught hold of him by saying that he was misleading the customers of their hotel and started extending beatings to him. He had fallen down. One of them took out a pistol and pointed it towards the complainant. On seeing that, Akshay had fled from the spot and the complainant also tried to flee but that youth fired a shot towards him thereby hitting his waist. He had fallen down in an unconscious condition and was rushed to the hospital. By alleging that later on he had come to know that the assailant was the petitioner and that he could identify his accomplices, he prayed for taking action in the matter.

3. After registration of the FIR, investigation proceedings have been initiated. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail, which has been dismissed by the Court of learned Additional Sessions Judge, Amritsar vide order dated 27.03.2026.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact after the incident, it was he, who had taken the victim to the hospital and had got him admitted there. Even on the pre-admission record, his signatures were appended. The CCTV footage of the site of the occurrence is also available, which shows

that he was not present at the spot of occurrence. His antecedents are clean. 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.

5. Status report has been filed. Power of attorney on behalf of the complainant has also been filed. Learned State counsel assisted by learned counsel for the complainant has vehemently argued that there are serious allegations against the petitioner. His antecedents are not clean and he has concealed this fact in his petition. He is involved in 03 other cases at Police Station 'A' Division, Amritsar. He has even been declared a proclaimed person in a criminal complaint registered under Section 138 of the Negotiable Instruments Act. For the purpose of conducting thorough and proper investigation into the matter as well as for recovery of weapon used in the offence, his custodial interrogation is must. Even otherwise, no extraordinary or exceptional circumstance to exercise powers for grant of pre-arrest bail in favour of the petitioner is made out. It is, therefore, stressed that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. The petitioner is alleged to have fired a shot with a pistol upon the complainant thereby causing a firearm injury on his person. The victim had sustained four ileal perforation injuries. The injuries so sustained by the victim had been opined to be dangerous to life. The petitioner is evading his arrest and is absconding. The allegations make out a *prima facie* case for commission of subject offences as against the

petitioner. For the purpose of conducting deeper and thorough probe into the matter, custodial interrogation of the petitioner is must. It is well settled proposition of law that powers for grant of anticipatory bail should be exercised in exceptional and extraordinary circumstances and not in routine manner. No such circumstance, however, has been made out in this case. If the petitioner is given the shield of anticipatory bail that shall leave many glaring loopholes and gaps, thereby adversely affecting the investigation. The Court is also required to see that an order of anticipatory bail does not operate as inroad in the normal legal procedure of criminal cases by the trial Court. Accordingly, finding no compelling ground to allow the petition, the same is dismissed.

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

9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

05.05.2026

harjeet

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No

(MANISHA BATRA)
JUDGE