



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.19837 of 2026
Date of decision: 10.04.2026

Lakhveer Singh @ Lakha ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Karanjeet Singh Brar, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, 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
52	24.02.2026	Lambi, District Sri Muktsar Sahib	305 of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”)

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 Ajaydeep Ram alleging that on 22.01.2026, he along with his brother had gone to village to do labour work and his

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mother and aunt Karamjit Kaur who is living in an adjoining house, had gone to do her labour work. They had returned in the evening and found the lock of their main gate to be broken. On checking, it was found that cash amount of Rs.23,000/- kept in the house of the complainant had been stolen and from the house of his aunt, 03 tolas of gold ornaments and 05 tolas of silver anklets and sack of wheat weighing about 25-30 kg had been stolen. He alleged that he had previously given an application to the police and had made inquiries at his own level and now he was satisfied that the theft in the house of his aunt and himself was committed by the present petitioner. 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, Sri Muktsar Sahib vide order dated 20.03.2026.

3. It is argued by learned counsel for the petitioner that there is delay of more than one month in lodging of the FIR which has not been explained in this case. There was no eye-witness to the occurrence. The complainant had named him only because of his previous enmity with the petitioner. He is ready to join 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. Notice of motion.

5. Ms. Ruchika Sabherwal, Sr. DAG, Punjab has advance notice

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of the petition and is ready to argue the matter. It is submitted by her that the allegations against the petitioner are serious in nature. For effecting recovery and for conducting proper investigation, his custodial interrogation is must. There is no exceptional ground to extend benefit of pre arrest bail to the petitioner. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to have committed theft of belongings from the house of the complainant and his aunt on 22.01.2026. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. 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 custodial

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interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. 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 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 petitioner, the likelihood of his 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.

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

10.04.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No