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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.21362 of 2026
Date of decision: 06.05.2026

Upchinder Singh ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Rashmeet 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
180	05.12.2024	Machhiwara, Khanna, District Ludhiana	115(2) and 118(1) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) (118(2) of BNS added later on)

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement

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recorded by the complainant Rahul alleging therein that on 25.11.2024, he was going towards his house when the petitioner who was standing at the Chowk started arguing with him without any rhyme and reason. The complainant after avoiding him left towards his house and when he was about to reach there, the petitioner all of a sudden came behind him. He was holding a kirpan and opened an attack upon him with the said kirpan by striking several blows with the same and causing injuries to him. On clamour being raised, his family members had reached and then the petitioner had managed to flee. After registration of FIR, investigation proceedings have been initiated and are underway. 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, Ludhiana vide order dated 07.03.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No incident as alleged had ever taken place. Infact, it is the complainant who is a habitual offender engaged in illegal activities and a case under the provisions of NDPS Act has already been registered against him. He has polluted the environment of the neighbourhood by selling drugs. Many youths have fallen prey to the addiction of drugs due to the act and conduct of the complainant. The petitioner only used to raise objection and advised the complainant to desist from his illegal activities and feeling offended, he has been

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involved in this case. There is delay of 10 days in reporting the matter to the police. No recovery is to be effected from him. He is ready to join investigation. His custodial interrogation is not required. The subject offences are triable by Magistrate. It is, therefore, argued that the petition deserves to be allowed.

4. Status report has been filed. Learned Assistant Advocate General, Punjab has argued that the allegations against the petitioner are serious in nature. He had voluntarily caused grievous injuries to the complainant. For conducting proper investigation in the matter, his custodial interrogation is required. There is no extraordinary circumstance to extend benefit of anticipatory bail to him. It is, therefore, argued that the petition does not deserve to allowed.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have voluntarily caused grievous injuries to the complainant as on 25.11.2024. As per the medico legal report, he had sustained incised wound muscle of dorsal aspect of left forearm and another incised wound about 10 cm x 1 cm muscle deep from dorsal aspect of left hand to palmer aspect. Both these injuries are caused by sharp edged weapon and prima facie attract Section 118(2) of BNS which is punishable upto imprisonment for life. The allegations against the petitioner are serious in nature. For conducting thorough and proper investigation in the matter, his custodial interrogation is required.

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In case, the same is denied to the investigation agency, that shall leave many glaring loopholes and gaps, adversely affecting the investigation. 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 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

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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.

06.05.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No