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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.21848 of 2026

Vijay Kaushal ... Petitioner

Versus

State of Punjab ... Respondent

1.	The date when the judgment is reserved	08.05.2026
2.	The date when the judgment is pronounced	11.05.2026
3.	The date when the judgment is uploaded on the website	11.05.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Swarn Tiwana, Advocate,
for the petitioner.

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

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under
Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short

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“BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
52	22.02.2026	Phillaur, District Jalandhar Rural	126(2), 118(1), 115(2), 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) (109 and 61(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 recorded by the complainant Parvesh Kumar alleging therein that on 10.02.2026 he was going towards Shiv temple to pay obeisance. While on the way, he was stopped by ten persons who were unknown to him. One of them was found making a video call to someone in a group call. The complainant by watching his cell phone identified the person who was on the video call as the petitioner. Those unknown persons were armed with weapons. One of them initiated an assault upon him with a khanda and then he was assaulted by two more of them with their respective weapons. He had fallen on the road and sustained injuries and then the assailants fled away. The cause of grudge was that the petitioner who used to visit the house of his relative Seema Malhotra and she had instigated the petitioner to assault him. 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 Sessions Judge, Jalandhar vide order dated 16.04.2026.

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

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been falsely implicated in this case on the basis of false and concocted version. He was admittedly not present at the spot and has been named only with intent to harass him due to the reason that he is ex husband of the wife of the complainant. The complainant has been levelling false allegations against his wife as well as her relatives by accusing them that they instigated the petitioner to assault him. The petitioner has been living separately since long from his ex wife and has no concern with her. 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 he deserves to be extended benefit of pre arrest bail.

4. Per contra, learned Assistant Advocate General, Punjab has argued that keeping in view the gravity of the allegations as levelled against the petitioner, the fact that the victim had sustained as many as six injuries at the hands of the co-accused on instigation of the petitioner, it is urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The co-accused are alleged to have formed membership of an unlawful assembly at the instigation of the present petitioner and to have assaulted the complainant who had sustained several injuries some of which are on vital part of the body of the complainant. The identity of the assailants has not been established so far. For the purpose of eliciting information as to the identity of the assailants who had allegedly assaulted the complainant at the instigation and behest of the present petitioner as well as for conducting

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proper and thorough investigation in the matter, the custodial interrogation of the petitioner is must. 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 extraordinary 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 the petition. As such,

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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.

11.05.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No