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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

101

CRM-M-23811-2026

Date of decision: 30th April, 2026

Mukesh Kumar @ Mohit @ Phula

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Pardeep Singh Mirpur, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J (ORAL):-

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 bearing FIR No. 19 dated 29.01.2026 registered under Sections 115(2), 118(1) and 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Section 118(2) of BNS added later on) at Police Station Navi Baradari, District Jalandhar.

2. The aforementioned FIR was registered on the basis of statement got recorded by the complainant Saurav @ Scooby alleging therein that he was working as a car electrician at BMC Car Market, Jalandhar from the last many years. Rohit @ Rocky, Mohit @ Phoola @ Mukesh Kumar i.e. present petitioner, Utsav @ Vadda and Anmol @ Kujja also worked in the same car

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market. On 24.01.2026, he along with Utsav @ Vadda was repairing a car while being present at the shop of Sona Auto Car Accessories, when the accused Rohit @ Rocky started teasing him without any reason. A verbal altercation took place between them. The accused Rohit @ Rocky then called the petitioner, who is his brother. The petitioner along with accused Anmol @ Kujja reached there on a motor bike. He was armed with iron sickle and opened an attack upon the complainant who managed to save himself. Then, accused Anmol @ Kujja and Rohit @ Rocky grappling with the complainant and accused Anmol @ Kujja had caught hold of him and Mohit tried to struck blow with an iron sickle. Utsav reached for his rescue and sustained injuries on his head with an iron sickle. The petitioner and the co-accused thereafter caused several injuries on the person of Utsav and then fled from the spot. Victim Utsav was admitted to hospital for treatment.

3. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Jalandhar, which was dismissed vide order dated 02.04.2026.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of 05 days in reporting the matter to the police. A false injury has been manipulated by the complainant to implicate the petitioner. The injuries to sustained has been opined to be simple in nature. The subject offences are triable by Magistrate. He is ready to join the investigation. His custodial interrogation is not required. No recovery is

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to be effected from him. It is, therefore, argued that the petition deserves to be allowed.

5. Notice of motion.

6. Learned State counsel has advance notice of the petition and is ready to argue the matter. It is submitted by her that there are specific and serious allegations against the petitioner. The injury that has been attributed to the petitioner is a *datar* blow on the head of the victim-Utsav. This injury has been opined to be grievous in nature. For conducting thorough and proper investigation in the matter, custodial interrogation of the petitioner is must. There is no exceptional or extra ordinary circumstance is made out. Therefore, it is stressed that the petition does not deserve to be allowed.

7. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

8. The petitioner along with the co-accused is alleged to have voluntarily caused simple as well as grievous injuries to the victim-Utsav and is alleged to have assaulted the complainant. For the purpose of conducting thorough investigation in the matter, custodial interrogation of the petitioner is must. In case his custodial interrogation is denied to the Investigating Agency, that will leave many glaring loopholes and gaps thereby adversely affecting the investigation. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly and in exceptional circumstances. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. To elicit

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the truth, as to the manner in which the incident took place, custodial interrogation of the petitioner is must. Even otherwise, the case is at its nascent stage. Keeping in view the nature of the allegations as levelled against him and the above discussed facts, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

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

[MANISHA BATRA]
JUDGE

30th April, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |