



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M No.23924 of 2026 (O&M)

Date of Decision:01.05.2026

Suraj Singh**.....Petitioner****Versus****State of Punjab****..... Respondent****CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH****Present:** Mr. Karanjeet Singh Brar, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

For the benefit of anticipatory bail, the instant petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita 2023, in a case arising out of the FIR No.159 dated 16.11.2025, under Sections 127, 118(1), & 3(5) [Section 109 added later on] of Bharatiya Nyaya Sanhita 2023, Police Station Arniwala, District Fazilka.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Jaswinder Singh', hereinafter being referred to as 'complainant', only. It was stated by the complainant that on 08.11.2025 at about 7.00 P.M. while going home he was intercepted near ahata (adjoining area of liquor vend) of 'Suraj Singh' (the petitioner herein) on Sammewali Road by co-accused 'Vijay Singh' along with the petitioner and 2-3 unidentified persons. As per complainant they forcibly stopped his motorcycle and dragged him inside the ahata, where 'Vijay Singh' closed the shutter and exhorted to teach a lesson to the complainant, over a prestige issue.



As per complainant, thereafter on the above mentioned instigation, the petitioner caught hold of the complainant and inflicted a kirch blow on his abdomen.

3. It is the case of the prosecution that in view of above mentioned complaint, the formal FIR of this case was lodged and the investigation taken.

4. **Notice of motion.**

5. Since advance notice has already been served upon the State, Mr. Eklavya Darshi, DAG, Punjab, has appeared on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with.

6. Heard.

7. It has been contended on behalf of petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that in fact, the complainant himself, had visited the ahata and picked up quarrel with the staff of ahata, on the pretext of payment of money. It has also been contended by learned counsel for the petitioner that Section 109 BNS has been added without any reliable medical opinion. In addition to above, the learned counsel for the petitioner has also contended that the petitioner has clean antecedents, and that nothing has been left to be recovered from the possession of petitioner, and therefore, he is entitled for the benefit of anticipatory bail.

8. The learned State counsel has controverted the above mentioned arguments. It has been contended by the learned State counsel that *firstly*, the injury suffered by the victim is on vital part of the body, *secondly*, the



size of the injury itself shows that it was very serious in nature and *thirdly*, the medical opinion collected by the Investigating Officer dated 04.01.2026 shows that if not treated properly the abovesaid injury could have been fatal for the injured. According to learned State counsel since the medical opinion has been collected by the Investigating Officer and on the basis of medical opinion Section 109 has been added, this argument of learned counsel for the petitioner has got no force that Section 109 BNS has been added without any basis.

9. The record has been perused carefully.

10. By virtue of present petition, the benefit of anticipatory bail has been sought. With regard to anticipatory bail, it is settled principles of law that the Court must be circumspect, while exercising power for grant of anticipatory bail and it should not be granted as a matter of routine. Rather as per law the abovesaid benefit should be granted only when the Court is convinced that exceptional circumstances exist for the extraordinary remedy.

11. With regard to above, the Hon'ble Supreme Court of India in the case of Srikant Upadhyay v. State of Bihar 2024 SCC OnLine SC 282, has observed that power to grant anticipatory bail is extraordinary power, and that irrespective of the fact that in a number of cases, it has been held that bail is a rule, it cannot; by any stretch of imagination, be said that anticipatory bail is a rule.

12. The Hon'ble Supreme Court of India in the abovementioned case



has further observed that rule of anticipatory bail is a question of judicial discretion depending upon the facts and circumstances of each case. According to Hon'ble Apex Court, when called upon to exercise the abovesaid power the Court concerned has to be very cautious, as the grant of interim protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation.

13. Similarly, in the case of Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. The State of Maharashtra and Another (Special Leave Petition (Criminal) No. 10255 of 2024, decided on 21.07.2024), the Hon'ble Supreme Court of India has held that anticipatory bail is an exceptional remedy and it ought not be granted in a routine manner. As per the Hon'ble Supreme Court, there must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offence.

14. In the case of 'Gurbaksh Singh Sibbia etc. v. State of Punjab' 1980 SCC (2) 565, the Hon'ble Supreme Court of India held that:-

- (1) The power under Section 438, Criminal Procedure Code, is of an extraordinary character and must be exercised sparingly in exceptional cases only.
- (2) In addition to the limitations mentioned in Section 437, the petitioner must make out a special case for the exercise of the power to grant anticipatory bail.
- (3) Where a legitimate case for the remand of the offender to the police custody under Section 167(2) can be made out by the investigating agency or a reasonable claim to secure incriminating material from information likely to be received



from the offender under Section 27 of the Evidence Act can be made out, the power under Section 438 should not be exercised.

15. In the light of above mentioned principles of law if the factual matrix of the present case is analysed it transpires that:-

firstly, the alleged offence committed by the petitioner is serious in nature, as Section 109 BNS has been invoked during the course of investigation;

secondly, there is medical opinion with regard to nature of injury and it has been opined that the injury could have been fatal if not treated;

thirdly, the injury was on vital part of the body, with a sharp edged weapon.

16. Taking into consideration the gravity of offence committed by the petitioner, allegations with regard to direct involvement of the petitioner in the commission of crime and other mitigating circumstances, it is hereby held that in the instant case no ground exists, wherein the extraordinary jurisdiction vested in this Court, by virtue of Section 482 of BNSS, should be exercised and the benefit of anticipatory bail should be accorded to the petitioner.

17. It shall not be out of place to mention here that right of custodial interrogation of investigating agency is a valuable right and in ordinary course such right should not be denied to the investigating agency. In the



present case thee appears to be no exceptional circumstances which may justify the denial of above mentioned valuable right to the investigating agency.

18. As a sequel to above mentioned discussion it is hereby observed that the present petition fails to qualify the test which may render the petitioner, to be eligible for anticipatory bail. In the given fact situation, it is hereby held that the petitioner is not entitled for the benefit of anticipatory bail. Thus finding no merits, the present petition is hereby **dismissed** accordingly.

(SURYA PARTAP SINGH)
JUDGE

01.05.2026
Manoj Bhutani

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