



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-25293 of 2026

Date of Decision: 06.05.2026

Yashpreet Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Ramesh Sharma, Advocate
for the petitioner(s).

Mr. Eklavya Darshi, Deputy Advocate General,
Punjab.

Surya Partap Singh, J.

1. This petition for anticipatory bail is the first petition filed by the petitioner under Section 482 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No. 262 dated 11.10.2026, for the commission of offence punishable under Section(s) 115(2), 118(1), 191(3) and 190 [Section 118(2) and 238 added later on] of 'the Bharatiya Nyaya Sanhita, 2023' Police Station City Kapurthala, District Kapurthala, Punjab.

2. The FIR of this case came into being at the instance of 'Raj Kumar', hereinafter being referred to as "complainant" only. It was stated by the above named complainant that on 08.10.2024 at about 10.30 A.M. when he was going out of his house, the petitioner armed with 'Dattar' (a sharp-edged weapon), along with his brother, namely 'Sabi' and three other persons, namely 'Raja', Bhajan Singh' and 'Bhakra' launched an assault upon him and inflicted multiple injuries on his person. According to

complainant, a grievous injury on his elbow was inflicted with the help of Dattar (a sharp-edged weapon).

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

4. **Notice of motion.**

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

6. Heard.

7. It has been contended by learned counsel for the petitioner that there is delay of three days in reporting the matter to the police, and that the name of petitioner as 'Ramesh Kumar son of Manjit Singh' is not his correct name. As per learned counsel for the petitioner in fact the correct name of the petitioner is 'Yashpreet Singh son of Manjit Singh'. It has also been contended by learned counsel for the petitioner that other co-accused involved in the present case have already been accorded the benefit of anticipatory bail, and that the petitioner has no criminal history of assault case. According to learned counsel for the petitioner the petitioner is ready to join the investigation.

8. The learned State counsel has controverted the above-mentioned arguments. According to learned State counsel, in the present case, the co-accused, who have been accorded the benefit of anticipatory bail, were not responsible for causing any grievous injury, and that the role of petitioner stands on a different footing as with the help of sickle, a sharp-

edged weapon, a grievous injury has been inflicted on the person of complainant. According to the learned State counsel in view of gravity of offence, and the criminal antecedents of the petitioner, who has been prosecuted in two cases under the Narcotic Drugs and Psychotropic Substances Act, 1985', he is not entitled for the benefit of anticipatory bail.

9. The record has been perused carefully.

10. A perusal of the record shows that in the present case there is no denial of the fact that the injury, which has been declared to be grievous by the Medical Officer, is attributed to the petitioner. As per prosecution the above-mentioned injury was caused by a sharp-edged weapon.

11. With regard to delay in FIR, this fact cannot be ignored that the complainant, who had suffered a grievous injury, had a first priority to seek the treatment of his injuries, instead of approaching the police for registration of FIR. Otherwise also, at the initial stage itself, the injury suffered by the complainant was not declared to be grievous by the Medical Officer. Thus, it is hereby observed that the above-mentioned delay of three days in reporting the matter to the police is not (prima facie) fatal for the prosecution case.

12. With regard to exercise of discretion for grant of anticipatory bail, 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.

13. The Hon'ble Supreme Court of India in the above mentioned

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 above said 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.

14. The Supreme Court of India 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], has observed 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.

15. Similarly, 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:-

- a) The power under Section 438, Criminal Procedure Code, is of an extraordinary character and must be exercised sparingly in exceptional cases only.
- b) 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.
- c) 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.

16. It shall not be out of place to mention here that right of custodial interrogation of the Investigating Agency is a valuable right and in the present case, if such right is denied to the Investigating Agency, it is likely to result into miscarriage of justice, as the investigation may not take a proper headway.

17. It is also relevant to mention here that the factual matrix of the present case does not show that there is any circumstance in the present case which may warrant the exercise of extraordinary jurisdiction vested in this Court by virtue of Section 482 of BNSS, i.e. the jurisdiction to accord the benefit of anticipatory bail.

18. Taking into consideration the cumulative effect of all the above-mentioned factors, it is hereby observed that the present petition is devoid of merits and deserves dismissal. Hence, the present petition is hereby **dismissed**, accordingly.

19. It is, however, clarified that any observations made in the above-mentioned order shall not be construed as an expression of opinion on the merits of the case.

(Surya Partap Singh)
Judge

May 06, 2026
“DK”

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