

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:084775



206

CRM-M-28145-2026 (O&M)
Date of decision:27.05.2026

Rajiv Khokhar @ Rajiv @ Billu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rajat Dogra, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Nishant Sehgal, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

1. The instant one is the second petition as filed by the petitioner seeking benefit of anticipatory bail in case arising out of FIR No.13, dated 31.01.2026, registered under Sections 109, 115(2), 191(3) and 190 of the BNS and Section 25 and 27 of the Arms Act, at Police Station 'A' Division Amritsar, District Amritsar. His previous petition had been dismissed by this Court on 05.05.2026 by making the following observations:

“The petitioner is alleged to have fired a shot with a pistol upon the complainant thereby causing a firearm injury on his person. The victim had sustained four ileal perforation injuries. The injuries so sustained by the victim had been opined to be dangerous to life. The petitioner is evading his arrest and is absconding. The allegations make out a prima

facie case for commission of subject offences as against the petitioner. For the purpose of conducting deeper and thorough probe into the matter, custodial interrogation of the petitioner is must. It is well settled proposition of law that powers for grant of anticipatory bail should be exercised in exceptional and extraordinary circumstances and not in routine manner. No such circumstance, however, has been made out in this case. If the petitioner is given the shield of anticipatory bail that shall leave many glaring loopholes and gaps, thereby adversely affecting the investigation. The Court is also required to see that an order of anticipatory bail does not operate as inroad in the normal legal procedure of criminal cases by the trial Court. Accordingly, finding no compelling ground to allow the petition, the same is dismissed.”

2. It is argued by learned counsel for the petitioner that after dismissal of his pervious petition, a compromise has been effected between the complainant and himself and in pursuance of the said compromise, the complainant has no objection, if he is extended benefit of anticipatory bail. It is, therefore, argued by learned counsel for the petitioner that this circumstance being a substantial and drastic change in the circumstances, is sufficient for the purpose of extending benefit of pre-arrest bail to the petitioner. Accordingly, the petition deserves to be allowed.

3. Per contra, learned State counsel while placing reliance upon the status report has argued that the allegations against the petitioner are serious and specific in nature. He had fired gun shot at the complainant with an intent to kill him. No consideration can be given to any compromise subsequently arrived at between the petitioner and the complainant in a case like the present one where there are serious allegations against the petitioner.

It is, therefore, stressed that the petition does not deserve to be allowed.

4. Learned counsel for the complainant has, however, affirmed the factum of compromise between the parties and has submitted that the complainant has no objection, if the petition is allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties.

6. The previous petition as filed by the petitioner had been dismissed only on 05.05.2026 by passing a detailed order and by observing that the petitioner had caused a firearm injury on the person of the complainant. Annexure P-5 is a copy of compromise stated to have been signed by the complainant, showing that he has no objection, if the FIR of this case is cancelled. However, this Court is of the considered opinion that for the purpose of deciding the instant petition, much consideration cannot be given to this compromise. This is the second petition for grant of anticipatory bail. For such petition to succeed, the accused is required to show some substantial or drastic change in the circumstances and mere superficial or ostensible change does not specify. However, the fact, that a compromise has been effected between the parties, cannot be considered to be drastic or substantial change in the circumstances. It is well settled proposition of law that while deciding an application for grant of anticipatory bail, the gravity of the allegations, the role attributed to the accused and the quantum of sentence which the conviction may entail, are the important factors to be taken into consideration and on considering these factors, this Court is of the considered opinion that seriousness of the allegations as levelled against the petitioner does not entitle him to be

extended benefit of bail in exercise of powers under Section 482 of the BNSS by this Court which are extraordinary in nature and are required to be exercised in exceptional circumstances whereas no such circumstance has been made out in this case. Accordingly, finding no compelling ground to allow the petition, 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.

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

27.05.2026

harjeet

Whether speaking/reasoned :

Whether reportable :

Yes/No

Yes/No

(MANISHA BATRA)
JUDGE