



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

**CRM-M No.29788 of 2026
Date of Decision: 25.05.2026**

Dinesh

..... Petitioner

Versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ankur Lal, Advocate for the petitioner.

Mr. K.D. Sachdeva, D.A.G., Punjab.

Mr. Mitul Singh Rana, Advocate for the complainant.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.65, dated 13.03.2026, under Section 105 of BNS, registered at Police Station Tanda, District Hoshiarpur.

2. Succinctly the facts of the case are that FIR in the present case was registered on the statement of complainant, namely, Jagtar Singh. It was alleged that the complainant is working as transporter at Tanda. On 12.03.2026, his cousin, namely, Jarnail Singh had gone to Chollang in his car bearing No.PB-21-G-2835 and at about 1:00 p.m., when he tried to cross Toll Plaza, then, from the backside, driver of one car bearing No.HR-06-BE-4116 make Scorpio-N of white colour, started honking the horn of the car continuously, due to which an altercation took place with the said unknown driver of the car. It was alleged that his cousin parked his car and tried to stop the said vehicle, but the driver of



the other car, with intention to kill, Jarnail Singh, hit his Scorpio-N car and run the same over him and then fled away. It was alleged that due to the said accident, his cousin brother died. Thus, request was made to take the legal action against the culprits. On registration of the FIR, the investigation commenced. Apprehending his arrest, the petitioner approached the Court of learned Additional Sessions Judge, Hoshiarpur praying for the grant of anticipatory bail. However, after hearing both the sides, finding no merit in the same, the learned Additional Sessions Judge, Hoshiarpur dismissed the petition filed by the petitioner vide order dated 11.05.2026. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He submits that the occurrence in the present case had took place on 12.03.2026. He submits that said Jarnail Singh was the aggressor in the entire episode as he was the first one who violently attacked upon the petitioner's vehicle, in which petitioner was present with his family members, with a hockey stick. He submits that there is mobile camera footage and eye-witnesses, which are on record, clearly demonstrate that Jarnail Singh stationed himself in front of the petitioner's vehicle. He submits that the present FIR was initially registered against an unknown driver only and name of petitioner surfaced after a delay of 45 days, in supplementary statement recorded on 27.04.2026 vide DDR No.30 dated 27.04.2026. He submit



that the petitioner has not committed any offence intentionally and he was not having any knowledge that his act would cause death of the deceased as the petitioner was only trying to steer away from the attack. He submits that nothing is to be recovered from the present petitioner and, thus, custodial interrogation of petitioner is not required. He thus, submits that in the facts and circumstances, there being no *prima facie* case made against the petitioner, he deserves to be granted anticipatory bail.

4. Learned counsel for the complainant has vehemently opposed the submissions made on behalf of the petitioner and submits that on 12.03.2026, when complainant's cousin was crossing the toll plaza in his car, it was the petitioner who kept on honking his car horn, resulting to an altercation between Jarnail Singh and the petitioner. He submits that upon altercation, Jarnail Singh parked his car on one side and tried to stop the petitioner's car after crossing the toll plaza, however, the petitioner did not stop and with an intention to kill, drove his car at a high speed and ran over Jarnail Singh, and dragged him upto 20ft on the road. He submits that this act of the petitioner, caused death of Jarnail Singh and thus, he does not deserve to be granted bail.

5. Learned State counsel has opposed the submission made by counsel for the petitioner and submits that the petitioner was nominated in the present case on the basis of supplementary statement of complainant. He submits that the petitioner has committed a serious offence under Section 105 BNS. He submits that the petitioner with an



intention to kill complainant's cousin, hit and ran over his car upon Jarnail Singh. He submits that the petitioner was the driver of the car which ran over Jarnail Singh. He has thus, submitted that the investigation is at threshold and custodial interrogation of petitioner is very much required. He has submitted that no case for the grant of anticipatory bail to the petitioner is made out and thus, the present petition being devoid of merit deserves to be dismissed.

6. On hearing of the counsel for the parties and perusing the record, it is deciphered that though the petitioner was not initially named in the FIR, however, he was specifically mentioned in the supplementary statement recorded by complainant, Jagtar Singh on 27.04.2026. In the said occurrence, an altercation took place as the petitioner was deliberately kept on honking the car. It is apparent that the complainant's cousin tried to stop the car of the petitioner, however, the petitioner in a very rash and negligent manner, ran over his car and hit Jarnail Singh, which resulted into his death. Admittedly, the petitioner had committed a serious offence under Section 105 BNS and thus, the custodial interrogation of the petitioner is very much required. The allegations against the petitioner are serious in nature. The investigation is at threshold.

7. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-



“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
 - (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
 - (iv) *such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*

8. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

- “31. *In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the*



event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to



impose, in consideration of the assurance that if arrested, he shall be enlarged on bail.”

9. The Hon'ble Supreme Court in ***State Vs. Anil Sharma***, (1997) 7SCC 187, held as under:-

“6. *We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”*

10. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been prima facie found. Allegations made against the petitioner are serious in nature. Needless to say, the investigation is at the initial stage and in the facts and circumstances, custodial interrogation of the petitioner would be



essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

11. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

25.05.2026

ps-I

(RAJESH BHARDWAJ)
JUDGE

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