



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-30637 of 2026

Date of Decision: 27.05.2026

Baljinder Singh alias Bunt

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

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

Present: Mr. Sandeep Gahlawat, 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.203 dated 06.12.2025, for the commission of offence punishable under Section(s) 109, 115(2), 126(2), 351(2), 324(4), 191(3), and 190 [Section 117(2) added later on] of 'the Bharatiya Nyaya Sanhita, 2023', Police Station Pasyana, District Patiala, Punjab.

2. The FIR of this case came into being at the instance of Munawar Khan', hereinafter being referred to as "complainant" only. It was alleged by the complainant that on 05.12.2025, he was going to Sangrur from his office in his car, and that on the way at 'Passiana Tea Point', a vehicle make Corolla bearing registration No. DL3-CCK-9874 hit his

vehicle on co-driver side. According to complainant, thereafter the same car hit his car from behind at 'Bhakra Canal Bridge' and from the above-mentioned car, two persons alighted, pulled the complainant out of his car, and thrashed him brutally. It was also stated by the complainant that immediately thereafter four/five unknown persons came in another car and they, too, joined the assailants and inflicted injuries on his person with the help of steel rod. According to complainant, once he suffered multiple injuries and fell down on the road, the assailants fled from the spot.

3. It is the case of the prosecution that pursuant to above-mentioned information, formal FIR of this case was lodged against seven/eight unknown persons and the investigation taken up. According to prosecution, during the course of investigation the medico-legal examination of the complainant was got conducted and the identity of assailants was established.

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 on behalf of petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime. According to learned counsel for the petitioner, the FIR is silent qua the identity and name of the assailants. The learned counsel for the petitioner has pointed out that in the present case, neither a specific role has been

attributed to each accused, nor the details of the identity of assailants have been given.

8. In addition to above, the learned counsel for the petitioner has contended that one of the important aspects to be looked into in the present case is that there is a delay of more than 24 hours in lodging the FIR. While claiming that a simple matter of road-rage with some unknown persons has been converted into a case of attempt to commit culpable homicide, it has been contended by learned counsel for the petitioner that the petitioner has clean antecedents, and that he had no previous enmity with the complainant and therefore, no ground for the prosecution of the petitioner is made out.

9. The learned State Counsel has controverted the above-mentioned arguments. It has been contended by the learned State Counsel that in the present case, the medico-legal report of the complainant/injured in itself speaks in volumes about severity of the act of the assailants. According to learned State Counsel, eight injuries have been suffered by the complainant in the present case and out of those eight, four injuries were on the head of the complainant. As per learned State Counsel, since for the purpose of causing above-mentioned injuries, steel rods etc. were used by the assailants, the gravity of action by the assailants cannot be discounted merely by saying that any dangerous to life injury was not suffered by the complainant. It has also been contended by learned State Counsel that in order to unearth the truth and recovery of weapons, used at the time of commission of crime, custodial interrogation of the petitioner is necessary.

10. The record has been perused carefully.

11. As far as the benefit of anticipatory bail is concerned, 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 rule. Rather as per law the above said benefit should be granted only when the Court is convinced that exceptional circumstances exist for the extraordinary remedy.

12. With regard to such relief, 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. 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 of India, there must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave

offence.

15. 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:-

- i) The power under Section 438, Criminal Procedure Code, is of an extraordinary character and must be exercised sparingly in exceptional cases only;
- ii) 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; and
- iii) 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. A perusal of record shows that in the present case, wherein the identity of petitioner was not known to the complainant at the time of suffering injuries, one of the task of the Investigating Agency is to identify the assailants and then collect evidence qua them. In order to achieve the above-mentioned goal, custodial interrogation of the petitioner is a tool, the use of which would be of utmost importance in the present case.

17. In addition to above, it is also relevant to mention here that this arguments of learned counsel for the petitioner fails to convince that the injuries suffered by the complainant could be self-suffered or that they were

not serious enough to invoke Section 109 of BNS. In fact the medico-legal report of the complainant shows that he had suffered four injuries on the vital part, i.e. head, and as per allegations contained in the FIR, the above-mentioned injuries were caused with steel rods. Causing multiple injuries on head with steel rod in itself speaks about the mindset of the assailants at the time of commission of crime.

18. It shall not be out of place to mention here that right of custodial interrogation of 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. Accordingly, it is hereby held that in view of gravity of offence, the petitioner is not entitled for benefit of anticipatory bail.

19. If the fact-situation of instant case is analyzed in the light of above-mentioned observations, it transpires that in the present case there is no exceptional circumstance, warranting exercise of discretionary jurisdiction to grant anticipatory bail to the petitioner. Thus, it is hereby held that the present petition is devoid of merits deserves dismissal. Hence, the present petition is hereby **dismissed**, accordingly.

20. 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 27, 2026
“DK”

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