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

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**CRM-M No.34874 of 2026
Date of decision: 01.07.2026**

Nirvair Singh @ Nirvail Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Ms. Ishiqa Sharma, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition as filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of anticipatory bail in case arising out of FIR No.80 dated 11.04.2026 registered under Sections 115(2), 118(1) and 117(2) (added later on) of the Bharatiya Nyaya Sanhita, 2023 (For short "BNS") at Police Station Chheharta, District Police Commissionerate Amritsar. His previous petition had been dismissed as withdrawn on 22.06.2026 while granting him liberty to file a fresh petition with better

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particulars as there was some typographical error in the head note of the petition.

2. As per the allegations, on 06.04.2026, the complainant Surinder Singh along with his brother Harjinder Singh had gone to the house of his niece Harmandeep Kaur to settle some family dispute. While they were convincing her to sort out that dispute, the petitioner accompanied by the co-accused reached there and opened an assault upon the complainant and his brother. The petitioner along with co-accused had struck blows with help of baseball bat thereby causing as many as 12 injuries to the brother of the complainant. Injury No.4 out of these 12 injuries was declared to be dangerous in nature. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which was dismissed by the Court of learned Additional Sessions Judge, Amritsar vide order dated 08.06.2026.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of five days in lodging of the FIR which has not been satisfactorily explained. Infact, a civil dispute is pending between the son-in-law of the complainant and the petitioner as well as co-accused. The ex parte stay order as granted to son-in-law of the complainant had been vacated on 17.02.2026. On 05.04.2026, the complainant along with his son-in-law and others had entered into the house of the petitioner and had caused injuries to Jaspreet

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Singh with an intent to kill him. They had tried to take illegal possession of the disputed property. The matter was reported by members of the petitioner's party to the police but no action was taken. However, he along with others has been falsely implicated in this case. No injury on any vital part of body has been attributed to him. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, therefore, argued that the petition deserves to be allowed.

4. Notice of motion.

5. Ms. Ruchika Sabherwal, Sr. DAG, Punjab has advance notice of the petition and is ready to argue the matter. It is submitted by her that the petitioner in connivance with the co-accused had voluntarily caused simple as well as grievous injuries to the complainant and his brother. One injury on the person of Harjinder Singh victim has been opined to be grievous in nature. Several injuries were sustained by Harjinder Singh. The petitioner had given blows with baseball bat. There is no exceptional circumstance to grant anticipatory bail to the petitioner. The allegations against him are serious in nature. His custodial interrogation is must. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner along with the co-accused is alleged to have voluntarily caused simple as well as grievous injuries to the complainant

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and his brother. The allegations against him are specific in nature. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant's fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as an inroad in the normal legal procedure of criminal cases by the trial Court. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. Keeping in view the gravity thereof, the role attributed to the petitioner, the likelihood of his influencing the course of investigation and also of tampering with the

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evidence, no ground has been made out for allowing the petition. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

01.07.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No