

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRM-M-61710-2025****Date of decision: 12.02.2026**

Sajan Masih

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Prateek Sodhi, Advocate for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J (ORAL)

1. Petitioner, who is accused in case FIR No.100 dated 15.09.2025 registered against him, for commission of offences punishable under Sections 109,115(2),118(1),191(3) and 190 of BNS and Sections 25 & 27 of Arms Act and Sections 117(2) and 118(2) added later on, at Police Station Ghanie Ke Banger, District Batala, Gurdaspur, has filed the instant petition, praying for grant of pre-arrest bail.

2. Relevant facts as emerging from the documents on record be noticed hereinbelow:

Satnam Masih son of Avtar Masih, aged about 18 years, resident of Bisniwal set the criminal law in motion by filing a complaint pointing therein that at about 08.00 PM on 13.09.2025, he and his uncle's son Karan Masih were standing in the street. Karan was brushing his teeth, when one Buri Masih son of Gogi Masih, who was standing nearby questioned him as to why Karan had spit in his direction. Verbal altercation occurred when suddenly Jeeta @ Kaka Masih son of Gogi Masih, who was armed with a revolver, Nirmal Masih, the other son of Gogi Masih, who was also armed with revolver, Buri Masih, who had sickle in his hand, Sasjan Masih (petitioner) son of Kewal Masih, who was armed with sickle, Buntty Masih and Karan Karan Masih, who had chains of motorcycles, Love Masih and Gogi Masih, who both had datar in their hands, Rahul Masih being armed with a danda, Rajji wife of Buri with Danda, Ruby wife of Jeeta @ Kaka, who was also armed with danda suddenly arrived at the site. Without any

exchange of hot words, Gogi Masih raised lalkara/exhorted others to teach him



(complainant) and his cousin brother Karan Masih a lesson of their life time for spitting in their direction. Before he (complainant) and his cousin brother could react, Jeeta @ Kaka fired gun shot at him, which hit him on his right arm and front and back of his right ribcage. On hearing gun shots, his uncle's son Samuel Masih, his uncle Mahinder Masih arrived at the spot, who were also not spared. As the onlookers started gathering, the assailants sped away. Arrangements were made and he was rushed to the Civil Hospital, where he was provided medical treatment. Complainant requested the police officials to catch hold of the assailants, who were named by him in the FIR and who had unleashed an attack on him and his cousin brother Karan Masih as also to initiate appropriate proceedings against them. On the basis of said complaint as also medico-legal report, aforesaid FIR was registered.

Petitioner-accused Sajan Masih, who was named in the FIR moved an application for grant of bail before the learned Addl. Sessions Judge, Gurdaspur. Same came to be dismissed vide order dated 23.10.2025. Aggrieved of which, present petition has been filed.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. Sequence of events did not unfold in the manner as suggested by the complainant party, who in fact, were the aggressors and had caused injuries to Ranjit Masih son of Gogi Masih and Jeeta @ Kaka Masih son of Gogi Masih regarding which a cross case vide DDR No.13 dated 04.10.2025 has already been got registered by the petitioner's family members. He further contends that no specific injury has been attributed to Sajan Masih (petitioner). Though nothing is to be recovered from him for which custodial interrogation is not needed but still he is stilling willing to join the investigation as and when called for.

4. Per contra, while opposing request for grant of bail, learned State counsel contends that the petitioner was a member of unlawful assembly, some of whom were armed with deadly weapons as revolvers etc. In fact, gun shots were fired on complainant-Satnam Masih, who suffered serious, life threatening injuries. Though it has not been disputed that the injuries attributed to the present petitioner on the person of Samuel Masih (uncle's son of complainant) with *datar* has been declared as simple. Nonetheless, custodial interrogation of the petitioner is needed to recover the weapon of offence, to find the whereabouts of other accused, who have till date not been arrested. In the light of submissions,



in his favour for grant of extraordinary relief of bail. Dismissal of the petitioner has been prayed for.

5. I have heard learned counsel for the parties and perused the paper book with their able assistance.

6. Before expressing any opinion on the merits of the rival contentions raised by learned counsel for the petitioner, learned counsel for the complainant and learned State counsel, it would be appropriate to refer to certain relevant judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

Hon'ble the Supreme Court in "**P. Chidambaram vs. Directorate of Enforcement, ((2020) 13 SCC 791)**", has observed as under:-

"67. Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 Cr.P.C 1973 is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. 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 fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy."

Hon'ble the Supreme Court while deciding the case titled as "**Ms. X Vs. The State of Maharashtra and another**", (2023 SCC Online SC 279) held as under:-

"11.1. We propose to take a quick look at the considerations that ought to govern grant of anticipatory bail. There are a line of decisions of this court that have underscored the fact that while deciding an application for bail, the court ought to refrain from undertaking a detailed analysis of the evidence, the focus being on the prima facie issues including consideration of some reasonable grounds that would go to show if the accused has committed the offence or those facts that



would reflect on the seriousness of the offence. The self-imposed restraint on delving deep into the analysis of the evidence at that stage is for valid reasons, namely, to prevent any prejudice to the case set up by the prosecution or the defence likely to be taken by the accused and to keep all aspects of the matter open till the trial is concluded.

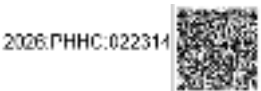
In **Prasanta Kumar Sarkars case (supra) (Prasanta Kumar Sarkar Vs. Ashish Chatterjee and another)**, a Division Bench of this Court had highlighted the factors that ought to be borne in mind while considering the anticipatory bail application and had stated that :-

9. *We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:*

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
- (ii) nature and gravity of the accusation;*
- (iii) severity of the punishment in the event of conviction;*
- (iv) danger of the accused absconding or fleeing, if released on bail;*
- (v) character, behaviour, means, position and standing of the accused;*
- (vi) likelihood of the offence being repeated;*
- (vii) reasonable apprehension of the witnesses being influenced; and*
- (viii) danger, of course, of justice being thwarted by grant of bail.”*

In **Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav vs. The State of Maharashtra and another, 2025 AIR SC 3375**, the Hon’ble Supreme Court held that “Anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner.”

7. Factual aspects of the case have already been noticed in para 2 of the order. As per case of prosecution, petitioner was one of the members of unlawful assembly, some of whom were armed with deadly weapons i.e pistol etc. petitioner himself was also armed with datar. Complainant in the present case suffered gun shot injuries inflicted by other accused, seven of whom are yet to be arrested. Thus, presence of the petitioner is needed to recover the weapon and find whereabouts of other accused. As the investigation is at the preliminary stage and



same shall be hampered and impeded in case the accused is released on anticipatory bail.

8. Agreeing with the submissions made by learned State counsel, this Court is of the opinion that the petitioner has failed to make out a case for grant of pre-arrest bail.

Dismissed.

12.02.2026
manoj

(AARADHNA SAWHNEY)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No