

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-62534 of 2025

Reserved On: 12.01.2026
Pronounced On: 10.02.2026

Rohit Singh alias Rohit

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

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

Present: Mr. Deepak Arora, Advocate
for the petitioner(s).

Mr. Eklavya Darshi, Deputy Advocate General,
Punjab, for the respondent.

Surya Partap Singh, J.

1. For the commission of offence punishable under Sections 152, 196, 353(1)(B) and 353(1)(C) of the Bharatiya Nyaya Sanhita, 2023, hereinafter being referred to as “BNS” only, the FIR No. 185 dated 30.09.2025 has been lodged in Police Station City Batala, Police District Batala, Punjab. This is first petition for anticipatory bail, filed by the petitioner, under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred to as “BNSS” only.

2. Briefly stating the facts emerging from record are that the above mentioned FIR came into being on a report of SI Sukkhdev Singh who had reported to the SHO, Police Station Batala, District Gurdaspur that a reliable source had given him a tip-off that Gurpatwant Singh Pannu, heading a terrorist organization known as “Sikh for Justice” and presently staying

overseas had links with several persons in the State of Punjab and that he was behind the incident which occurred on the same day, when slogans against the State were written on the walls near the main gate of R.R.Thapar College, Samadh Road, Batalad. As per above named police officer, the slogans were written as “Khalistan SFJ Zindabad” and “every Bhaiya to leave Punjab by 19th October”, secondly that “Punjab is not a part of India”, thirdly that “those spreading Hindu extremism must leave Punjab by October 19 and return to Ayodhya, the home of their Hindutva extremism. SFJ gives you time till October 19 on the day of Diwali to leave Punjab. This time Ayodhya will remain in darkness, every Hindu extremist spreading terrorism in Punjab will face darkness on Diwali”. According to above named police officer, even the derogatory remarks for the Home Minister of India, Chief Minister of Punjab and DGP Punjab were made in the above mentioned message.

3. It is the case of prosecution that in view of the above mentioned information, the formal FIR of this case was lodged and the investigation taken up.

4. Heard.

5. It has been contended on behalf of the petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that merely on the basis of disclosure statement suffered by co-accused the petitioner is being harassed by the police and there is an eminent threat to the petitioner that he may be arrested in the above mentioned case.

6. It has also been contended by learned counsel for the petitioner that there is no legally admissible evidence collected by the Investigating

Agency against the petitioner, and that the disclosure statement being relied upon by the Investigating Agency is nothing but the waste paper as the same is not admissible in law.

7. Per contra, the learned State counsel has submitted that the allegations against the petitioner are very serious in nature as the petitioner was part of the machinery working against the State, and threatening the communal harmony and piece of the nation. The learned State counsel has also contended that to establish connection of petitioner with the commission of crime there is a CCTV footage which would be proved during the course of trial. As per learned State counsel in order to find out the details of elements behind the above mentioned offence, custodial interrogation of the petitioner is necessary.

8. The record has been perused carefully.

9. A perusal of record shows that in the present case there are very specific allegations against the petitioner that he was responsible for inscribing the above mentioned slogans which by any standard cannot be said to be a mere expression of views, within the prescribed limits meant for enjoying the freedom of speech. Secondly, there are very specific allegations that the presence of petitioner has been recorded in the CCTV footage and thus, this argument of learned counsel for the petitioner does not hold good that except the disclosure statement of the co-accused there is no other legally admissible evidence against the petitioner.

10. Here this fact cannot be ignored that the petitioner has approached this Court for the benefit of anticipatory bail which will result into denial of opportunity to the Investigating Agency to interrogate the

petitioner. The right of custodial interrogation of an accused is a valuable right of the Investigating Agency and unless extraordinary circumstance exists such right should not be denied to the Investigating Agency.

11. With regard to use of discretion while granting anticipatory bail, 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.

12. 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.

13. The Supreme Court of India 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), has observed that anticipatory bail is an exceptional remedy and it ought not be granted in a routine manner. As per the Hon'ble Supreme Court, there must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offence.

14. Similarly, in the case of Gurbaksh Singh Sibba 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.
- 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.

15. As a sequel to observations made in the foregoing paragraphs as in the instant case, the denial of right of custodial interrogation to the investigating Agency would hamper the investigation, and also considering the gravity of offence, it is hereby held that no exceptional circumstance exists in the present case to render the petitioner eligible for the benefit of anticipatory bail. Thus, it is hereby held that the instant petition for anticipatory bail is devoid of merits and deserves dismissal. Thus, the present petition is hereby **dismissed**, accordingly.

16. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(Surya Partap Singh)
Judge

February 10, 2026
“DK”

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