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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(102)

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Date of decision: 27.01.2026

(Through VC)

Manpreet Singh

..... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Hardeep Singh, Advocate, for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 of BNSS, 2023 is for the grant of anticipatory bail to the petitioner in case FIR No.101 dated 12.05.2025 under Sections 115(2), 126(2), 351, 191(3), 190 of BNS (later on added offence under Sections 110, 103(2), 238(C) BNS, 2023) registered at Police Station Kotwali, District Patiala, Punjab.

2. The present FIR came to be registered at the instance of Harjot Kumar alias Happy and reads as under:-

Statement of Harjot Kumar alias Happy son of Naresh Kumar resident of # 298/1 Daru Kutia Mohalla Patiala, age about 30 years, Mo: No. 98881-23938, written by S Puran Singh 399/PTL. Division No. 02 Patiala for for the purpose of the case against Akash Kumar alias Budla, Vishal Kumar alias Behra son of Pappu, Rahul Kumar son of Bikram Kumar, Amit Kumar alias Tunda son of Manoj Kumar resident of

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Daru Kutia Mohalla, Sular Road, Patiala, Manpreet Singh resident of Guru Teg Bahadur Colony, Sular Road, Patiala and 3-4 unknown persons at the police station of P.H.G. Gurdarshan Singh 18486, which is a compulsory jail for a period of 10 years, "I have stated that I am a resident of the above address and do A.C. repair work. On the night of 10-05-2025, I and my friend Ankit Kumar alias Chhota son of Charandas resident of 86 Amar Darshan Colony Sular Road Patiala had gone to Sohan Singh's street vendor near Rane Majra Puli to buy chicken. It was around 9:30 PM when Akash Kumar alias Budla, Vishal Kumar alias Behra son of Pappu, Rahul Kumar son of Bikram Kumar, Amit Kumar alias Tuda son of Manoj Kumar resident of Daru Kutiya Mohalla Sular Road Patiala, Manpreet Singh resident of Guru Teg Bahadur Colony Sular Road Patiala and 3-4 unknown persons came by riding on their motorcycles holding flags and baseball bats in their hands, who surrounded Ankit Kumar alias Chhota and started beating him up. Akash Kumar alias Budla picked up a brick/ tile lying on the roadside and hit Ankit Kumar on the head. Blood started coming out of his head and other boys who came with him beat him up. They threatened to kill Ankit Kumar. I and other passers-by rescued Ankit Kumar from them. There was a large gathering at the spot. Akash Kumar alias Budla and the boys who came with him had left on their motorbikes at the spot. The reason behind is that Ankit Kumar alias Chhota did not vote as per Akash Kumar alias Budla's instructions during the MP voting. Ankit Kumar alias Chhota has suffered a serious head injury and is admitted to the ICU of Rajindra Hospital Patiala for treatment. Till 10-05-2025, he is not speaking at all. Today, you came outside the ICU ward of Rajindra Hospital Patiala and wrote my statement, which I have heard and read. Sd/ Harjot Kumar, your attention Sd/

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*Aniket, Attested Sd/ Puran Singh SI, Division No. 2 Patiala:
Date: 12.05.2025.*

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The instant second petition seeking the grant of anticipatory bail has been filed as the first one had been withdrawn and in the meantime, the report under Section 173(2) Cr.P.C. (Section 193(2) BNSS, 2023) stands submitted against three co-accused of the petitioner. As the petitioner is ready and willing to join the investigation, he is entitled to the concession of anticipatory bail.

4. The learned counsel for the State, on the other hand, has filed an affidavit of Gaurav Yadav, IPS, Director General of Police, Punjab dated 23.01.2026 which is taken on record. While referring to the said affidavit, he contends that as per the allegations in the FIR and the report under Section 173(2) Cr.P.C. presented against the co-accused, the petitioner was a part of the unlawful assembly that assaulted the deceased-Ankit Kumar alias Chhota. The petitioner had sought the concession of anticipatory bail which was withdrawn as this Court was not inclined to grant the same. The instant second petition had been filed without any material change in circumstances. In fact, the petitioner cannot take the advantage of his own wrong by urging that as the report under Section 173(2) Cr.P.C. stands submitted against the co-accused, the custodial interrogation of the petitioner is not required. It is a case of murder and as such, the question of granting anticipatory bail does not arise, particularly, when the petitioner is absconding. Therefore, the present petition is liable to be dismissed.



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5. I have heard the learned counsel for the parties.

6. The Hon'ble Supreme Court in the case of '**Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022(4) RCR (Criminal) 977**', has held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

*We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. **In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to***



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be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

7. Coming back to the facts of the present case, a perusal of the FIR would reveal that Akash Kumar @ Budla, Vishal Kumar @ Behra, Rahul Kumar, Amit Kumar @ Tunda and Manpreet Singh (petitioner) alongwith 3-4 unknown persons duly armed with base-ball bats, riding on their motorcycles, surrounded the deceased and started beating him. Akash Kumar @ Budla gave a brick/tile blow on the head of the deceased-Ankit Kumar @ Chhota. Apparently, the petitioner was a part of the unlawful assembly, the members of which assaulted the deceased. The petitioner had approached this Court by of a criminal petition bearing No. CRM-M-39221-



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2025 for the grant of anticipatory bail and the said petition had been withdrawn on 11.09.2025 as this Court was not inclined to grant any relief to the petitioner. The instant second petition has been filed without any material change in the circumstances. In fact, a bare reading of the FIR and the report under Section 173(2) Cr.P.C. (Section 193(2) BNSS, 2023) would reveal that *prima facie* the offence stands established against the petitioner and his co-accused. Further, the investigation is to be taken to its logical conclusion and therefore, the custodial interrogation of the petitioner is certainly necessary.

8. In view of the above discussion, I find no merit in this petition and the same stands dismissed.

9. However, it is made clear that the observations made in this order are only for the purpose of deciding this bail application and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made.

10. The pending application(s), if any, shall stand disposed of accordingly.

January 27, 2026
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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