



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.66599 of 2025
Date of decision: 14.01.2026

Anoop Kumar ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Davinder S.Saini, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
219	31.05.2025	City Kharar, District SAS Nagar	109 (stands omitted), 115(2), 126(2), 351(2), 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) (117(2), 118(1), 333 and 324(4) of BNS added later on)

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2. As per the allegations, on 31.05.2025, the complainant Najinder Singh along with his son Navpreet Singh was present in his office when the accused Navdeep Singh Nakka, Harry Saini, Harmohinder Singh Virk and 20-25 persons unknown to the complainant reached there being armed with weapons. The accused Navdeep Singh opened an assault upon the complainant by striking blow with the sword. The remaining persons also extended beatings to him and damaged the articles kept in his office. The son of the complainant was also assaulted by them and thereafter, the assailants fled away. After registration of FIR, investigation proceedings were initiated. The accused Taranvir was arrested and suffered disclosure statement on the basis of which, the present petitioner was nominated as accused. He was also seen as one of the assailants present at the spot as per the CCTV footage of the incident collected by the investigating agency. Apprehending his arrest, the petitioner moved an application for anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, SAS Nagar (Mohali) vide order dated 12.11.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. The accused Harmohinder Singh Virk and Navdeep Singh have been extended benefit of anticipatory bail. He was neither named in the FIR

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nor any specific role or injury has been attributed to him. His custodial interrogation is not required. He is ready to join the investigation. No recovery is to be effected from him. Most of the offences for which he has been booked are bailable in nature. It is, thus, argued that the petition deserves to be allowed.

4. Status report has been filed. Learned Assistant Advocate General, Punjab has argued that keeping in view the fact that the petitioner was seen while being armed with sword in the CCTV footage of the incident and was named by the co-accused, his custodial interrogation is required. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of the same, is alleged to have caused simple as well as grievous injuries to the complainant and his son. The offence under Section 109 of BNS has been deleted during the course of investigation. No specific act or injury has been attributed to the petitioner. The subject offences are triable by Magistrate. Taking into consideration the above discussed facts, this Court is of the considered opinion that pre trial incarceration of the petitioner is not required. Even otherwise, pre trial incarceration cannot be a replica of post conviction sentencing. As such, this petition is

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allowed and the petitioner is ordered to be extended benefit of anticipatory bail, subject to his surrendering before the Investigating Officer/Arresting Officer within a period of ten days from the date of passing of this order and shall join investigation and on his surrender within that period, he shall be released on bail by the Investigating Officer/Arresting Officer on furnishing personal/surety bonds to its satisfaction and subject to the following conditions:-

- (i) The petitioner shall cooperate with the investigation and shall appear before the Investigating officer/Arresting officer as and when required.
- (ii) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.
- (iii) He shall not commit any similar offence while on bail.
- (iv) He shall not leave the country without prior permission of the Court.
- (iv) He shall deposit his passport if any, with the jurisdictional Magistrate/trial Court.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.



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

14.01.2026
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(MANISHA BATRA)
JUDGE

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