



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

102

CRM-M-68442-2025

Date of decision: 11.02.2026

Makhan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. Lakshay Bector, Advocate
for the petitioner.

Mr. Kamalpreet Bawa, DAG, Punjab.

AARADHNA SAWHNEY, J.(ORAL)

1. Petitioner, an accused in case bearing FIR No.105 dated 14.10.2023 registered against him at Police Station Shahkot, District Jalandhar, for the commission of offences punishable u/s 307, 323, 324, 458, 427, 148, 149 IPC, has prayed for grant of pre-arrest bail.
2. Relevant facts as emerging from the documents on record be noticed hereinbelow:-

Kulwant Singh, son of Kartar Singh, resident of Chhohle, Police Station Mehatpur, District Jalandhar, a labourer, set the criminal law in motion by filing a complaint pointing therein that at about 8:30 PM on 13.10.2023, he along with his family members including his wife Kuljit, daughter Balwinder and daughter-in-law, were inside their house, when they heard noise of the vehicles being parked outside. Complainant specifically mentioned the name of the present petitioner as being member of the unlawful assembly, who at the relevant time was armed with a baseball. Assailants forcibly entered his (C) house. While elaborating upon the role of the present petitioner, complainant alleged being armed a baseball, he(C) was hit with same on his head. Roles of the other accused have



also been highlighted. On account of this brutal attack, he (C) suffered serious injuries. Family members made arrangements and rushed him (C) to the hospital where he remained admitted for few days.

Primarily with this backdrop, request was made to police authorities to catch hold of all the assailants as also to initiate appropriate criminal proceedings against them. On the basis of the said complaint and Medico legal report, a formal case vide FIR No.105 dated 14.10.2023, u/s 307, 323, 324, 458, 427, 148, 149 IPC, was registered against the petitioner and others.

3. Apprehending his arrest, petitioner moved an application for grant of anticipatory bail before the learned Additional Sessions Judge, Jalandhar, the same was dismissed vide order dated 20.03.2025. Aggrieved of which, the present petition has been filed.

4. Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case. The incident did not occur in the manner as portrayed by the complainant party. In fact they were the aggressors and based on a complaint lodged by some of the members of the petitioner's party GD No.36 dated 14.10.2023 u/s 302, 148, 149 was registered against complainant and others. It is further the submission of learned counsel that present petition is an outcome of the party faction in the village. Petitioner has been falsely arrayed as accused only with a view to extract illegal monetary benefit from him. Learned counsel further submits that similarly situated co-accused have been granted the concession of bail by the Court of learned Additional Sessions Judge, Jalandhar, who however declined to take a lenient view in favour of the present petitioner. It has thus



been prayed that the presence of the petitioner is not needed for custodial interrogation, for nothing is to be recovered from him, nonetheless being a law-abiding citizen, he (P) is willing to join the investigation as and when called for by the IO. Primarily on these grounds, it was prayed that concession of pre-arrest bail be granted to the petitioner.

5. *Per contra*, while opposing the request for grant of anticipatory bail, learned State counsel contends that petitioner was specifically named by the complainant in the FIR, which was lodged immediately after the incident; there being no unexplained delay in initiating the criminal proceedings. Petitioner was one of the members of unlawful assembly, most of whom were armed with weapons. At the relevant time, he (P) was armed with baseball and had hit complainant with same on his head. Petitioner, including other assailants entered into the house of complainant at night and unleashed an attack. In the incident, complainant suffered serious injuries. In light thereof, learned State counsel submits that no case for grant of this exceptional remedy of pre-arrest bail is made out as the custodial interrogation of petitioner is needed to effect the recovery of weapons with which he was armed at the relevant time and had assaulted complainant. Dismissal of the petition has been prayed for.

6. I have heard the learned counsel for the parties and gone through the documents on record.

7. Before expressing any opinion on the merits of the rival contentions raised by learned counsel for the petitioner 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.

12. In *Prasanta Kumar Sarkar's 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."*

8. Factual aspects leading to the lodging of the FIR have already been noted in para 2 of the order. Agreeing with the submissions advanced by learned State counsel, the role assigned to Petitioner was specifically named in the FIR and who as per complainant (being armed with baseball hit him (C) with the same on his head), this Court is of the opinion that custodial interrogation of Petitioner is needed to recover the weapon of offence. Petitioner, thus has failed to make out a case of exceptional depravity/hardship in his favour, entitling him for the grant of this extraordinary relief of pre-arrest bail. Before parting with this order, it would be



appropriate to clarify that the other accused have been granted concession of regular bail.

9. The petition being devoid of merit, is hereby dismissed.

(AARADHNA SAWHNEY)
JUDGE

11.02.2026
Hemant

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