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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-71136-2025
Date of decision: 16.01.2026

Santokh Singh and another
...Petitioners
Versus
State of Punjab
...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Parveen Chauhan, Advocate
for the petitioners.
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS'), is for grant of anticipatory bail to the petitioners in FIR No. 126 dated 22.06.2025, registered under Sections 115(2), 117(2), 118(1) (2), 126(2), 190, 191(3) and 351(3) of Bharatiya Nyaya Sanhita, 2023 (*for short* 'BNS') (Section 118(2) of BNS was added later on vide DDR No. 23 dated 02.07.2025) at Police Station Beas, Amritsar.
2. As per the allegations, on the evening of 12.06.2025, Manpreet Singh, nephew of complainant Sukhdev Singh, was on the way to his shop, when he was intercepted by the petitioners and co-accused along with 4-5 unknown persons, who were armed with weapons and who started abusing him. Complainant Sukhdev Singh, who was present in the shop of his brother, heard the noise and rushed to save his nephew. Within his sight, petitioner

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No. 1 made an exhortation to not to leave them alive and thereafter, accused Sahil @ Shaily opened an attack upon his nephew by inflicting injuries with a datar. Petitioner No. 2 struck blows with a stick. Petitioner No. 1 struck blows with a baseball bat and other accused also caused injuries to him by using their respective weapons. On clamour being raised, the family members of the complainant reached at the spot and when they were trying to save Manpreet Singh, accused Sanjay caused injuries on the person of the complainant with his weapon. The accused persons also caused injuries to the aunt of the complainant and thereafter fled away. After registration of the FIR, investigation proceedings have been initiated and are underway. Apprehending their arrest, the petitioners moved a joint application for grant of anticipatory bail, which has been dismissed by the Court of learned Additional Sessions Judge, Amritsar, vide order dated 04.08.2025.

3. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. They were not the aggressors. In fact, they sustained injuries at the hands of the complainant and other members of the complainant party and are themselves victims. They had been assaulted on 12.06.2025 by the complainant and his nephew Manpreet Singh and others and had sustained injuries. It is a case of political rivalry. The assault was preplanned and motivated by political vengeance. They were taken to the hospital and were medically examined. They had produced the record before the police but no case was registered by the police against the complainant party. They are ready to join the investigation. Their custodial interrogation is not required. No recovery is to be effected from them. The injuries sustained by the members of the complainant party and as attributed to them are simple

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in nature. These injuries were on non-vital part of the body. Therefore, it is urged that the petition deserves to be allowed and the petitioners deserve to be granted concession of anticipatory bail.

4. Status report has been filed by the respondent-State. Learned State counsel has argued that there are serious and specific allegations against the petitioners. They had formed membership of an unlawful assembly with the co-accused and had voluntarily caused simple as well as grievous injuries to the victim Manpreet Singh, who suffered a fracture in his right forearm. The complainant had also sustained a grievous injury and two simple injuries, whereas injured Kanso Rani had sustained simple injuries. For conducting thorough investigation in the matter, the custodial interrogation of the petitioners is must. No exceptional or extraordinary circumstance has been made out in favour of the petitioners for grant of anticipatory bail. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. The petitioners are alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, are further alleged to have caused simple as well as grievous injuries the complainant and his nephew Manpreet Singh. Victim Kanso Rani had also sustained some simple injuries at their hands. The allegations prima facie make out a case for commission of alleged offences against the petitioners. Their custodial interrogation is required for conducting thorough and proper investigation in the matter. In case their custodial interrogation is denied to the investigating agency, the same will leave many glaring loopholes and gaps adversely affecting the investigation. The powers under Section 482 of BNSS

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are extraordinary and the same are to be exercised sparingly in exceptional circumstances. 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 from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as inroad in the normal legal procedure of criminal cases by the trial Court. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

16.01.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No