



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

103

CRM-M-72946-2025

Date of Decision : 13.01.2026

LAKHA ALIAS LAKHVIR SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner.

Mr. Puru Jarewal, DAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

1. This petition for grant of anticipatory bail under Section 482 BNSS, has been filed by petitioner, an accused in case bearing FIR No.29 dated 16.03.2025, registered against him at Police Station SGN Dev Thermal Plant, District Bathinda, for the commission of offences punishable u/s 115(2), 126(2), 238, 324 (2), 351(2), 190, 191 (3), 304 of BNS and Sections 25, 27 of Arms Act.

2. Relevant facts as can be inferred from the documents on record are noticed hereinbelow:-

Jarnail Singh, son of Parkash Singh, resident of Village Garha Tehsil Phillaur, District Jalandhar, working as a driver of Tipper Truck bearing registration No.PB-03-AR-0990 of Anradh Transport Company, Moga, set the criminal law in motion by filing a complaint pointing therein that he used to bring sand from Village Jailoke, District Tarn Taran to Transport Nagar



Bathinda. At about 08.00 AM on 16.03.2025, he reached Bathinda on Tipper loaded with sand. While he was driving towards Transport Nagar Raja Kanda, he saw a silver coloured car (make MahinderaKevto) bearing No.PB-03-BK-2972 coming from the opposite direction. When driver of the said car suddenly stopped, he (complainant) noticed that the same was being driven by Lakha @ Lakhvir Singh (present petitioner). Gurmeet Singh Geeta was sitting on the conductor seat. Both of them alighted from the car along with other five unknown persons. Without any provocation or exchange of hot words, Gurmeet Singh Geeta took out a pistol from his waist, Lakha (P) caught hold of him from his collar and dragged him out of the Tipper. At that juncture Gurmeet Singh Geeta openly announced that several prior warnings had been issued to him (C) that if Tipper loaded with sand is to be brought at Bathinda, money would have to be given in lieu thereof. Before he (C) could react, the assailants i.e. Gurmeet Singh Geeta, Lakha @ Lakhvir Singh (P) and 4-5 other unknown persons unleashed an attack. Lakha (P) gave punch blows on his head. Gurmeet Singh Geeta hit him on his head with the butt of the pistol. His mobile phone was also broken and he was directed to immediately unload the sand. Fearing for his life, he abided by the directions and also requested the assailants to talk to the owner. On seeing crowd gathering near the site, assailants fled away but not before issuing a threat to him. They also took away his purse. Intimation was given to the owner of the Tipper. Arrangements were made and he was rushed to the Civil Hospital, Bathinda where First-Aid medical treatment was provided to him.

Complainant further pointed out that the reason for this assault was that Gurmeet Singh Geeta, proclaims himself to be the 'President' of Truck Union and does not allow to unload any material/sand from the vehicles/Tippers which



enter Bathinda, without his permission. Primarily with this backdrop, he requested the police authorities to catch hold of the assailants, who had unleashed an attack on him, threatened him with dire consequences/snatched his purse and had forcibly unloaded the sand from his Tipper bearing No. PB-03-AR-0990, as also to initiate appropriate criminal proceedings against them.

On the basis of the said complaint, a formal case vide FIR No.29 dated 16.03.2025, u/s 115(2), 126(2), 238, 324 (2), 351(2), 190, 191 (3), 304 of BNS and Sections 25, 27 of Arms Act, was registered against petitioner and others.

3. Apprehending his arrest, present petitioner had moved an application for grant of pre-arrest bail. The same was dismissed by the learned Additional Sessions Judge, Bathinda, in terms of order dated 03.12.2025. Aggrieved of which, the present petition has been filed.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. In fact, he was not present at the site, thus, the question of him participating in the incident does not arise. Falsity of the case set up by complainant, as per learned counsel, is apparent from the fact that though in the complaint, complainant alleged that petitioner along with 4-5 other unknown persons had unleashed an attack on him, but the MLR does not support his version, wherein, only three injuries have been shown to be suffered by complainant, all of which have been opined to be *simple* in nature. It is further the submission of learned counsel that an exaggerated version has been portrayed in the complaint, offence u/s 25 of Arms Act has been added only to add seriousness and gravity to the entire incident.

The next leg of submission raised by learned counsel for the



petitioner is that even if the allegations leveled in the complaint are taken to be true at its face-value (though not admitted), the only role attributed to the present petitioner is that he allegedly caught complainant from his collar, dragged him down from Tipper and gave punch blows on his head. Petitioner was not armed with any weapon. In the light thereof, custodial interrogation of the petitioner is not needed for nothing is to be recovered from him, who is nonetheless ready and willing to join the investigation as and when called for by the Investigating Officer. Prayer for allowing the petition has been made.

5. *Per contra*, while opposing the request of grant of anticipatory bail, learned State counsel contends that petitioner was specifically named in the complaint, got recorded by complainant just few hours after the incident. Petitioner was one of the member's of the unlawful assembly which forcibly dragged complainant out from the Tipper being driven by him, he (C) was made to unload the sand from the Tipper, was threatened with dire consequences, a pistol was brandished at him, even his valuables (purse) was snatched. One of the accused, who proclaims himself to be 'President' of the Truck Union openly announced that in case, any sand or material is to be unloaded at Bathinda, money in lieu thereof would have to be paid to him. Learned State counsel further contends that the manner in which the offence was committed, no lenient view deserves to be taken in favour of the petitioner, whose custodial interrogation is needed to recover the valuables of complainant, which had been snatched, to find out the identification details of the other unknown persons, who had participated in the incident, their whereabouts, who all are involved in this racket in which well to do persons and business men of area are issued threats and ransom demands are raised. With these submissions, he prays for dismissal of the present



petition.

6. I have heard learned counsel for the parties and perused the documents available on record.

7. Before expressing any opinion on the submissions raised by learned counsel of the parties, it would be appropriate to refer to certain 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."

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."*



Factual aspects leading to the lodging of the FIR have already been noticed in para 2 of this order. The manner in which the offence was committed, as also taking note of the submissions advanced by learned State counsel, the Court is of the opinion that petitioner has not been able to make out a case of exceptional depravity/hardship in his favour, entitling him for the grant of this extra ordinary relief of pre-arrest bail.

Accordingly, the present petition stands dismissed.

(AARADHNA SAWHNEY)
JUDGE

13.01.2026
Nisha Yadav

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No