

2026:PHHC:008034



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

218

**CRM-M No.73064 of 2025 (O&M)**  
**Date of decision: 20.01.2026**

Ram Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. P.S. Ahluwalia, Senior Advocate with  
Ms. Bhavi Kapur, Advocate,  
for the petitioner.

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

Mr. Pawandeep Singh, Advocate,  
for the complainant.

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**MANISHA BATRA, J. (Oral)**

**CRM-52622-2025**

The application is allowed as prayed for subject to just exceptions.

**Main Case**

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                                                                                                                          |
|---------|------------|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| 179     | 29.10.2025 | Anandpur Sahib,<br>District Rupnagar | 109, 351(2), 191(3) and<br>190 of the Bharatiya<br>Nyaya Sanhita, 2023<br>(For short “BNS”) and<br>25 and 27 of Arms Act,<br>1959 |

2. As per the allegations, the aforementioned FIR was registered on the basis of statement recorded by the complainant Hari Kishan on 29.10.2025 alleging that on the same day, his brother Nitin Nanda along with his nephew Talwinder Nanda and Gurjit Singh had gone to Village Agampur to attend marriage of a daughter of co-villager. At about 2 PM, when he was having meals in the marriage function, the accused Dilsher Singh fired a shot with his revolver thereby hitting the back of head of his brother with an intent to kill him. At that time, the petitioner along with co-accused Ran Bahadur and Ajay Rana had encircled the victim while proclaiming that he should not be left alive. Thereafter, they had fled from the spot while firing in the air. The injured was rushed to the hospital in a critical condition. While alleging that the accused Dilsher Singh had taken amount of Rs.1 crore from his brother for sale of some land but was not executing sale deed in his favour and it was only on account of this fact that he had injured his brother, he prayed for taking action. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved

2026:PHHC:008034



an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Rupnagar vide order dated 16.12.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case only due to his being relative of co-accused Dilsher Singh. He was not present at the spot. No injury has been attributed to him. The only injury sustained by the victim is firearm injury that stands attributed to the co-accused. The allegation that he had made an exhortation along with the co-accused is an attempt to inflate the number of the accused and nothing else. The subject offences are not attracted qua him. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. The co-accused Ran Bahadur and Ajay Rana @ Doctor have been found to be innocent during investigation and this very fact falsifies the entire prosecution version. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is argued by learned Assistant Advocate General, Punjab that there are serious allegations against the petitioner. His custodial interrogation is required for conducting thorough investigation in the matter. No exceptional circumstance for grant of bail is made out and it is, therefore, stressed that the petition does not deserve to be allowed.

2026:PHHC:008034



5. Learned counsel for the complainant has argued that the co-accused Ran Bahadur is none else than the real brother of main accused Dilsher Singh who is a retired DSP and who has openly proclaimed that he has committed the offence. Learned counsel has shown a pen drive containing the video recording of accused Dilsher Singh saying that nothing has been done by him and he is proud of whatever he has done. It is further argued that since the main accused is a retired police officer hence in connivance with the police, he has got the co-accused Ran Bahadur and Ajay Rana declared innocent. The complainant has already moved an application for transfer of investigation to some other agency which is pending. The allegations against the petitioner are serious since he was one of the persons who had encircled the victim and had made exhortations. He was an active participant in facilitating commission of offence of attempt to murder the victim by the co-accused Dilsher Singh. No ground for extending benefit of pre arrest bail to the petitioner is made out. It is, hence, stressed that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to have formed an unlawful assembly with the co-accused (two of whom have since been declared innocent) and in prosecution of common object of that unlawful assembly is alleged to have facilitated firing a shot upon the victim by the co-accused

2026:PHHC:008034



Dilsher Singh. Though from the allegations in the FIR, the provisions of Sections 190 and 191 of BNS are not prima facie attracted and it is also come on record that two of the persons named as accused have been presently found to be innocent, however, the allegations make out a prima facie case for complicity of the petitioner in the commission of subject offences and his participation. There are serious and specific allegations against the petitioner. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary 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's 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 an 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 of anticipatory bail. The Court must be

2026:PHHC:008034



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. Keeping in view the gravity thereof, the role attributed to the petitioner, the likelihood of his influencing the course of investigation and also of tampering with the evidence, no ground has been made out for allowing the petition. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

20.01.2026  
manju

(MANISHA BATRA)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No