



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

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**CRM-M-48188-2025 (O&M)
Date of decision: 14.10.2025**

MUKESH @ MAGGI

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Sumit Dua, Advocate for the petitioner.

Mr. Gorav Kathuria, DAG Punjab.

YASHVIR SINGH RATHOR. J.(Oral)

CRM-40842-2025

Present application under Section 528 of BNSS has been filed for placing on record the final report (challan) and statement of witnesses and photo as Annexures P-5 to P-9.

For the reasons mentioned in the application, the same is allowed. Annexures P-5 to P-9 are taken on record subject to all just exceptions.

CRM-M-48188-2025

1. Prayer in this petition under Section 482 of BNSS, 2023 is for grant of anticipatory bail in case FIR No.74 dated 21.05.2025, under Sections 109, 3(5) of BNS 2023 (Sections 191(3) and 190 of BNS added later on) and Sections 25 and 27 of the Arms Act, registered at Police Station Bhargo Camp, District Jalandhar.

2. The present case was registered on the basis of statement given to the police by Shubham with the allegations that on 19.05.2025 at about 11:00 pm, he



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was returning to his house, when he saw Ashu and Charlie standing outside the house of Ashu. He extended his hand to shake hands with Ashu but he started slapping him. He returned to his house and on 20.05.2025 at about 11:00 am, Maggi (petitioner), Ashu and Vishal came to his house in search of him but he ran away from his house and later on, he came to know that they were searching for him, in order to kill him. Today, at about 9:00 pm, he was at his friend's house in village Kot Sadiq, when he came to know that Ashu and others have shot at his father, who has been taken to the hospital for treatment. Thereafter, he reached the hospital where his father was undergoing treatment and he has suffered bullet injuries in his abdomen and on his right hand. His father told him that at about 9:00 pm, he was standing outside the house, when suddenly Ashu, Maggi (petitioner) and Vishal @ Pata and Punjab @ Sukhwinder Singh came there and Ashu raised a lalkara to shoot him. Thereafter, Ashu and Maggi fired at him with the pistols with the intention to kill him. Two bullets hit him in his abdomen and one bullet hit him on his right hand. Thereafter, statement of injured namely, Pawan has also been recorded, who has also put forward the similar version before the police. Apprehending arrest, petitioner applied for anticipatory bail, which has been rejected.

5. Learned counsel for the petitioner argued that petitioner has been falsely implicated. No allegation has been levelled as to on which part of the body the injury was caused to the victim by him. The police has recorded the statement of one neighbour namely Sanjeev Kumar from whose house the CCTV footage was collected and in his statement also, petitioner has not been named as one of the assailants. Learned counsel next contended that petitioner is ready to join the



investigation and to abide by the conditions that may be imposed by the Court and benefit of anticipatory bail be extended in favour of the petitioner.

6. On the other hand, learned State counsel has opposed the bail and argued that weapon of offence is yet to be recovered and petitioner does not deserve the concession of bail in view of the gravity of the offence.

7. It is well settled that the power to grant anticipatory bail is of extraordinary nature and is to be sparingly used with circumspection. This court is fortified by the observations made in case of 2022 (4) RCR (Criminal) 968 titled as "*Sachin @ Sachin Ahuja Vs. State of Punjab*". In case of SLP (Crl.) 7940 2023 titled as "*Shri Kant Upadhay Vs. State of Bihar*", Hon'ble Apex Court has held that grant of interim protection or protection from arrest to an accused in a serious case may lead to miscarriage of justice and may hamper investigation to a great extent as it may sometimes lead to tampering or destruction of evidence. The court is cognizant of the fact that power of anticipatory bail is to be exercised in exceptional circumstances as it may cause some hindrance to normal flow of investigation which would undermine the case of the prosecution.

8. The allegations against the petitioner are serious in nature. Petitioner had enmity with the son of the injured namely Shubham (complainant) and they were searching for him and on the fateful day, they reached his house where he alongwith co-accused namely Ashu, Charlie, Vishal @ Pata and Punjab @ Sukhwinder Singh assaulted father of the complainant. The petitioner as well as Ashu fired shots at the victim from the pistols in their possession. Two bullets hit the abdomen of the victim, while one bullet hit his right hand. As such, the allegations against the petitioner are serious in nature. The weapon of offence is



yet to be recovered for which his custodial interrogation is required. Therefore, this Court is of the considered opinion that petitioner does not deserve the concession of bail and accordingly bail application is hereby dismissed.

(YASHVIR SINGH RATHOR)
JUDGE

14.10.2025
amandeep

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No