

2025:PHHC:109274



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

105

**CRM-M No.44751 of 2025
Date of decision: 19.08.2025**

Gurbhajan Singh @ Gurcharan Singh @ Boni ... Petitioner

Vs.

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Atul Goyal, Advocate,
for the petitioner.

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

Mr. Davinder Bir Singh, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

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
28	19.04.2025	Phase-8, Mohali, District SAS Nagar	115, 126(2), 109, 351(2), 190 and 191(3) of the Bharatiya Nyaya Sanhita, 2023 (For short "BNS")

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR has been registered on the basis

2025:PHHC:109274



of statement recorded by the complainant Pradeep Khanna on 19.04.2025 alleging therein that on the same day, he along with his son Lakshay Khanna and nephew Vikrant Khanna was going towards the market of Sector 68 to buy some polythene. His son and nephew were walking ahead of him. When he reached near Manchanda Book Depot shop, 10-15 persons were found standing near three vehicles on the road side. The petitioner was one amongst them. They encircled the son and nephew of the complainant and opened an attack upon them while carrying weapons with an intention to kill them. Accused Manjinder Singh struck blows with sword and kirpan on the head of his son, the petitioner struck a blow with rod on the left side of his head whereas co-accused Ashish Gupta and Bodh Raj Garg hit him with rods. His nephew Vikrant tried to rescue his son but he too was assaulted by the petitioner and the other assailants. Then after extending threats to kill the son of the complainant and his nephew, the assailants fled from the spot with their vehicle. The complainant alleged that the motive was that in May 2024, a quarrel had taken place between the complainant, the petitioner and accused Manjinder Singh and their relations were inimical. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner filed an application for grant of pre arrest bail which has been dismissed by the Court of learned Additional Sessions Judge, SAS Nagar (Mohali) vide order dated

2025:PHHC:109274



07.08.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case as a counterblast to the FIR registered on the complaint of his brother Manjinder Singh against the son and nephew of the complainant. The complainant has intentionally implicated those very members of the group of the petitioners who were named as eye-witnesses in the FIR lodged by the brother of the petitioner in order to take revenge from them. The name of the petitioner has wrongly been mentioned as Gurcharan Singh in the FIR though his actual name is Gurbhajan Singh @ Boni. The complainant is a former police official and has drafted the FIR in a calculated manner. No injuries whatsoever had been sustained by Vikrant. The medico legal report of Lakshay Khanna has also been got prepared from a private hospital. The only role attributed to the petitioner is of causing an injury on left side of the head of the injured whereas according to MLR, no such injury has been found. The petitioner is ready to join the investigation. His custodial interrogation is not required neither any recovery is to be effected from him. It is, therefore, urged that the petition deserves to be allowed.

4. Notice of motion.

5. Ms. Sakshi Bakshi, AAG, Punjab has advance notice of the petition and is ready to argue the matter. At this stage, Power of Attorney on behalf of complainant has been filed. It is argued by learned Assistant

2025:PHHC:109274



Advocate General, Punjab assisted by learned counsel for the complainant that there are serious and grave allegations against the petitioner who by forming membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, had opened an attack upon the son of the complainant and had caused simple as well as grievous injuries to him. The petitioner has been avoiding his arrest. A Look Out Circular (LOC) has been issued against him for 09.08.2025 and now proceedings for declaring him as a proclaimed person have also been initiated. He has criminal antecedents since he is involved in three more cases of serious nature. Specific injuries have been attributed to him. His custodial interrogation is must for conducting proper and thorough investigation in the matter. No extraordinary and exceptional circumstance for grant or pre arrest bail is made out. It is, therefore, urged 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 membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, he had caused injuries to the victim Lakshay Khanna. As per the allegations, the injury on the head of the victim has been caused by him. Though as per the medico legal report, the injury No.1 as found on the person of the victim has been found to be grievous in nature and not dangerous to life, however, the allegations against the petitioner are

2025:PHHC:109274



quite serious in nature. Learned counsel for the complainant has placed on record photographs of the victim Lakshay Khanna showing seat of the injury as well as nature thereof. 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 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

2025:PHHC:109274



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.

(MANISHA BATRA)

JUDGE

19.08.2025

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No