



**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

106

CRM-M-20069-2026 (O&M)
DATE OF DECISION : 10.04.2026

JAIVEER

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Rajesh Nain, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG Haryana.

SURYA PARTAP SINGH, J. (oral)

This petition for pre-arrest bail is the first petition, filed by the petitioner under Section 482 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No.270 dated 30.12.2025, for the commission of offence punishable under Sections 109(1), 190, 191(2), 331(6), 324(5), 351(3), 61(2) of Bharatiya Nyaya Sanhita, 2023 and Section 25 of Arms Act, Police Station Bhattu Kalan, District Fatehabad.

2. The abovementioned FIR came into being at the instance of 'Kuldeep Singh', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that in the intervening night of



29th/30th December, 2025, when he was sleeping at his home with his family, at about 01:30-02:00 am, 'Shamsher @Sheri', 'Yogesh @Manda', 'Manjeet', 'Jaibir Loyal', 'Ajay Kukna', 'Naresh @Neshi' and 5-6 other persons, armed with various weapons, arrived at his house, in two vehicles. According to complainant, they forcibly broke open the gate of the house with the help of Bolero vehicle, entered the house, smashed the windowpane, and damaged the vehicles of the complainant, i.e. one car, one tractor and one motorcycle. As per complainant, out of fear when he went to the terrace, he was spotted by 'Shamsher Singh' and 'Manjeet', who took out pistols from their waistbands and fired 4-5 gunshots at him. The complainant has further alleged that he somehow escaped from any bullet injury and then he along with his family fled towards the field, but he was followed by the assailants. It was also alleged by the complainant that his uncle had arrived at the spot and when he tried to stop the assailants, he, too, came under attack.

3. It is the case of the prosecution that in view of abovementioned statement, formal FIR of this case was lodged and the investigation taken up.

4. **Notice of motion.**

5. Mr. Ramender Singh Chauhan, AAG Haryana appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with. No formal reply has been filed by the learned State Counsel. However, he has opposed the instant petition.

6. Heard.



7. It has been contended on behalf of petitioner that name of the petitioner does not figure in the FIR, and that the present case is a no injury case. It has also been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case, and that he is innocent.

8. The learned State Counsel has controverted the abovementioned arguments. According to learned State Counsel, the petitioner does not have clean antecedents, as he is facing prosecution in nine other criminal cases. As per learned State Counsel, in the FIR, there are specific allegations against the petitioner that he had fired gunshot upon the uncle of the complainant. It has been contended by learned State Counsel that the presence of petitioner stands verified from the CCTV footage as the incident was recorded in a CCTV camera.

9. The record has been perused carefully.

10. A perusal of record shows that the contents of FIR itself make it clear that a group of assailants armed with various deadly weapons had launched an attack upon the complainant, while he was sleeping inside his house. The assailants not only vandalized all the vehicles present there, but also attempted to kill two persons, firstly the complainant and secondly his uncle, by resorting to indiscriminate firing.

11. The abovementioned facts and circumstances speak about the gravity of incident. Otherwise also in the present case, the recovery of weapon, which was allegedly used by the petitioner, is one of the most important piece of evidence to link the petitioner with the commission of



crime, and for that purpose, custodial interrogation of the petitioner is of utmost importance.

12. As far as the benefit of anticipatory bail is concerned, it is settled principles of law that the Court must be circumspect, while exercising power for grant of anticipatory bail and it should not be granted as a matter of rule. Rather as per law the abovesaid benefit should be granted only when the Court is convinced that exceptional circumstances exist for the extraordinary remedy.

13. With regard to such situation, the Hon'ble Supreme Court of India in the case of Srikant Upadhyay v. State of Bihar 2024 SCC OnLine SC 282, has observed that power to grant anticipatory bail is extraordinary power, and that irrespective of the fact that in a number of cases, it has been held that bail is a rule, it cannot; by any stretch of imagination, be said that anticipatory bail is a rule.

14. The Hon'ble Supreme Court of India in the abovementioned case has further observed that rule of anticipatory bail is a question of judicial discretion depending upon the facts and circumstances of each case. According to Hon'ble Apex Court, when called upon to exercise the abovesaid power the Court concerned has to be very cautious, as the grant of interim protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation.

15. Similarly, in the case of Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. The State of Maharashtra and Another (Special Leave



Petition (Criminal) No. 10255 of 2024, decided on 21.07.2024), the Hon'ble Supreme Court of India has held that anticipatory bail is an exceptional remedy and it ought not be granted in a routine manner. As per the Hon'ble Supreme Court, there must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offence.

16. In the case of Gurbaksh Singh Sibbia etc. v. State of Punjab 1980 SCC (2) 565, the Hon'ble Supreme Court of India held that:-

- (i) The power under Section 438, Criminal Procedure Code, is of an extraordinary character and must be exercised sparingly in exceptional cases only.
- (ii) In addition to the limitations mentioned in Section 437, the petitioner must make out a special case for the exercise of the power to grant anticipatory bail.
- (iii) Where a legitimate case for the remand of the offender to the police custody under Section 167(2) can be made out by the investigating agency or a reasonable claim to secure incriminating material from information likely to be received from the offender under Section 27 of the Evidence Act can be made out, the power under Section 438 should not be exercised.

17. It shall not be out of place to mention here that right of custodial interrogation of the Investigating Agency is a valuable right, and in the present case, if such right is denied to the Investigating Agency, it is likely to result into miscarriage of justice, as the investigation may not take a proper headway and the Investigating Agency may not be able to collect the requisite evidence.



18. If the fact-situation of instant case is analyzed in the light of above-discussed principles of law, it transpires that no such extra-ordinary circumstance exists in this case, which may call for the exercise of the jurisdiction, vested in this Court, for grant of anticipatory bail. Thus, it is hereby held that the present petition is devoid of merits deserves dismissal. Accordingly, the same is hereby *dismissed*.

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

20. Since the main petition has been dismissed, pending applications, if any, are rendered infructuous.

10.04.2026

Gaurav Thakur

**(SURYA PARTAP SINGH)
JUDGE**

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No