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

CRM-M-20455-2026

Anmol Dhawan @ Maula

....Petitioner

versus

State of Punjab

....Respondent

Date of Decision: April 17, 2026**Date of Uploading: April 17, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Ms. Jasneet Mehra, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

SUMEET GOEL, J. (Oral)

Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner, in case bearing FIR No.59 dated 19.03.2026, registered under Sections 115(2), 118(1), 3(5) of BNS (Sections 118(2) & (3) of BNS 2023 added later on), at Police Station Sadar, District Amritsar.

2. The gravamen of the FIR in question reflects that the complainant-Ankush in his complaint moved to the police has alleged that is that on 17.03.2026 at about 5:30 PM, when he was standing on the roadside and talking to his friend Nitin, the petitioner (*herein*) armed with a *datar* & wearing an iron *kara*, alongwith the co-accused namely Sahil, armed with a knife, reached the spot. The complainant has further stated that on seeing

them, his friend Nitin fled away. Thereafter, the co-accused of the petitioner inflicted a knife blow on the thigh of the complainant, while the petitioner gave a blow on the head of the complainant with the *kara*. Upon raising alarm by the complainant and passersby gathering, both the accused persons fled from the spot along with their respective weapons. In the said occurrence, the complainant sustained injuries in the occurrence and was taken to the hospital for treatment. Upon these set of allegations, the present FIR came to be registered against the accused persons.

3. Learned counsel for the petitioner has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioner are concocted, improbable and devoid of any merit. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. It is contended that there is a delay of two days in lodging the FIR. It is further argued that the grievous injury has been attributed to the co-accused and not to the present petitioner. Learned counsel has further argued that the petitioner is young man aged 20 years with no criminal antecedents and is ready to join the investigation.

3.1. Learned counsel asserts that the police have not conducted a fair and impartial investigation and the inquiry conducted so far is not only incomplete, but also tainted with bias. Learned counsel has asserted that nothing is to be recovered from the petitioner. Moreover, the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Furthermore, the petitioner is ready to join the investigation and, hence, no useful purpose would be served by sending him behind the bars. On the aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioners by arguing that the offence committed by the petitioners is serious in nature. Learned State counsel has iterated that there are specific and direct allegations against the petitioner. As per the allegations, the petitioner was armed with *datar* and inflicted injury on the head of the complainant. It is further submitted that custodial interrogation of the petitioner is required for recovery of the weapon used in the alleged offence. Given the severity of the offence, there exists a substantial likelihood that the petitioner may abscond or tamper with the evidence, if he is enlarged on bail. Learned State counsel has iterated that the custodial interrogation of the petitioner is imperative for the purpose of effective and fair investigation and to unearth the case of the prosecution. On these submissions, dismissal of the present petition is entreated for.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, indubitably, grave and serious allegations have been levelled against the petitioner. As per the version put forth by the prosecution, it *prima facie* emerges that the petitioner and his co-accused were armed with deadly weapons, resulting in causing injuries to the complainant side. It is also not in dispute that the petitioner has not joined investigation since registration of the FIR. The petitioner has inflicted injury on the head of the complainant *whereas* his co-accused gave blow with a knife on the thigh of the complainant. The allegations have been found to be serious in nature.

No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR.

7. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interests. The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that prima facie case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In *State v. Anil Sharma [State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039]*, the Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

8. In view of the seriousness of the allegations, this Court finds no compelling ground to extend the benefit of discretionary relief to the petitioner. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby **dismissed**.

9. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

April 17, 2026
Naveen

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No