

CRM-M-35041-2026

CNR No: PHHC011044012026
2026:PHHC:124330

102

IN THE HIGH COURT OF PUNJAB AND HARYANAAT CHANDIGARH

CRM-M-35041-2026

Kamaljit Singh @ Kamal

....Petitioner

versus

State of Punjab

....Respondent

Date of Decision: September 03, 2026

Date of Uploading: September 03, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Parminder Singh Sekhon, Senior Advocate with
Ms. Sweedel Goyal, Advocate and
Mr. Gagandeep Singh Gill, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (erstwhile Section 438 Cr. P.C.) for grant of anticipatory bail to the petitioner, in case bearing FIR No.54 dated 19.03.2026, registered for the offences punishable under Sections 109, 333, 324(4), 351(2), 191(3), 190 of the BNS, 2023 and Section 25 of the Arms Act, 1959, at Police Station Mehatpur, District Jalandhar (Rural).

2. The FIR in question pertains to causing injuries and vandalizing the household articles.

3. Learned senior counsel has submitted that a bare perusal of the FIR would reveal that the allegations levelled against the petitioner are wholly concocted, improbable and devoid of any merits. Learned senior counsel for the

petitioner has argued that the petitioner has been falsely implicated into the FIR in question on account of political rivalry. It has been contended that it is a case of version and cross-version. It has been further contended that it is the complainant-side who was the aggressor inasmuch as the complainant-side forcefully entered the house of brother-in-law of the petitioner and inflicted several injuries. Learned senior counsel has argued that the injury attributed to the petitioner was self-inflicted, caused by using a hot iron rod. It has been iterated that co-accused of the petitioner have been afforded the concession of anticipatory bail by the concerned Sessions Court.

3.1. Learned senior counsel has argued that nothing is to be recovered from the petitioner. Learned senior counsel has further iterated that the petitioner is ready and willing to join investigation. It has been urged that no useful purpose would be served by sending the petitioner behind bars. On the basis of the aforementioned submissions, grant of the instant petition is prayed for.

4. Learned State counsel has filed status report by way of an affidavit dated 26.07.2026, which is already on record. The role of the petitioner, as per said status report, reads thus:

“17. That the petitioner has been specifically named in the main-case FIR by the complainant Gurpreet Singh wherein he stated that the petitioner fired a shot with his pistol which hit on complainant’s right shoulder. The said ocular version of the complainant is duly corroborated by the medical version i.e. MLR of complainant (Annexure R-1).”

4.1. Learned State counsel has also filed short reply by way of an affidavit dated 17.08.2026, which is already on record. In respect of antecedent(s) of the petitioner, it has been stated in the said short reply as under:

“7. xx xx xx. However, as per record, apart from instant case FIR, FIR No.128 dated 15.09.2017 U/s 22, 29 of NDPS Act is registered at Police Station Kot Ise Khan, District Moga against the petitioner and in the said case, vide judgment dated 14.07.2025 passed by Ld. Trial Court, the petitioner was convicted and sentenced to undergo three years rigorous imprisonment.”

4.2. Raising submissions in tandem with the aforesaid, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that allegations raised against the petitioner are serious in nature. It has been further argued that investigation, in the present case, is still under way and the petitioner is yet to be arrested. Given these nature of allegations, custodial interrogation of the petitioner is indispensable. It has been contended that, in case, the petitioner is accorded concession of anticipatory bail, there is all likelihood that he may abscond from the process of justice as also influence/intimidate the prosecution witnesses. Thus, the present petition is devoid of merit and is liable to be dismissed.

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 prosecution case, serious allegations have been levelled against the petitioner. A perusal of the prosecution case, as well as the material available on record, *prima facie* reveals that the petitioner fired a shot from his pistol, which struck the complainant on his right shoulder. The aforesaid ocular version of the complainant finds due corroboration from the medical evidence, particularly from the MLR of the complainant. The nature of allegations levelled against the petitioner does not persuade this Court to extend the extraordinary concession of anticipatory bail to the petitioner.

6.1. That apart, the petitioner is stated to be involved in one another FIR(s). The said criminal antecedent(s) reveal that the petitioner is a habitual

CRM-M-35041-2026

offender with a tendency to indulge in criminal activities. The criminal antecedent(s) of the petitioner also raise a reasonable apprehension that, if enlarged on bail, he may indulge in similar criminal activities, misuse the concession of bail, or interfere with the fair course of justice. The possibility of his absconding or influencing prosecution witnesses also cannot be ruled out, particularly in view of his repeated involvement in criminal cases.

6.2. 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 plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). 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 wider 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 establish 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. A profitable reference in this regard is being made to the dicta passed by the Hon'ble Supreme Court titled as *State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039*, the Supreme Court held as under, relevant whereof reads as under:

“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. 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, preliminary investigation, nature of allegations and the petitioner having no clean antecedent(s), appear to establish a reasonable basis for his accusation. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand. 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

September 03, 2026

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No