

2026:PHHC:090445



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35288-2026

Aryan

....Petitioner

versus

State of Haryana

....Respondent

Date of Decision: July 06, 2026

Date of Uploading: July 06, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. B.S. Beniwal, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

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')
(erstwhile Section 438 of the Cr. P.C.) for grant of anticipatory bail to the
petitioner, in case bearing FIR No.164 dated 3.05.2026, registered for the
offences punishable under Sections 115, 118(1), 126, 190, 191(2), 191(3),
351(3) and 61 of the BNS, 2023 (Section 110 of the BNS, 2023 added later
on), at Police Station Urban Estate, District Hisar.

2. The gravamen of the allegations against the petitioner is that
injured, Ajay, stated that on 29.05.2026, he was returning to his house from
Jaidev Nagar. At about 10:30 p.m., when he reached near Nirankari Bhawan
Road, close to Khalsa POP Shop, he noticed Akash @ Kau, Vansh @

Bachchi and Piyush standing in front of him. Upon seeing them, he started running towards his house, whereupon the said persons chased him and, after covering some distance, intercepted and restrained him. In the meantime, Kaku @ Chuhetar, Aryan (*petitioner herein*) and Raman Boxer also reached the spot, all of whom were allegedly armed with knives. Akash @ Cow allegedly inflicted the first knife blow on his right hip, followed by Vansh @ Bachchi, who stabbed him on his right thigh. As he cried out in pain and fell to the ground, the assailants allegedly continued to attack him with knife blows. Thereafter, Raman Boxer and Aryan (*petitioner herein*) allegedly assaulted him with sticks, one of which struck him near his left ear. Upon hearing his cries, several persons gathered at the spot. His brother, Ajay, also reached there. On seeing the public and his brother approaching, the accused persons allegedly threatened to kill him and fled from the spot along with their respective weapons.

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. Learned counsel for the petitioner has submitted that the petitioner is not the principal accused and has not been attributed any injury caused by a sharp-edged weapon. The only allegation against the petitioner is that he inflicted stick (*danda*) blow, which is stated to have struck the complainant near his left ear. Learned counsel has further submitted that the initial MLR recorded four blunt injuries and one sharp-edged injury. However, the opinion regarding the alleged fracture was obtained nearly 25 days after the occurrence. It is contended that the said opinion does not indicate that the

alleged fracture was caused by the *danda* blow allegedly inflicted by the petitioner. It has also been argued that the petitioner's mere presence at the spot, as allegedly reflected in the CCTV footage, does not, by itself, establish his participation in the commission of the offence, nor does it prove any common intention, common object, or overt act attributable to him. Learned counsel has further submitted that the petitioner is only 19 years of age and has no criminal antecedents.

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 petitioner by arguing that the offence committed by the petitioner is serious in nature. It is argued that the petitioner along with his co-accused restrained the complainant and caused injuries. The petitioner gave *danda* blow to the complainant, which hit near his left ear. The complicity of the petitioner is very much clear and the same is corroborated with the CCTV footage collected during investigation, in which the petitioner has been seen present at the spot. It is, thus, argued that 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 prosecution case and material available on record, it is borne out that serious allegations have been leveled against the petitioner. It has been further borne out that firstly the complainant was restrained by the accused persons when he was heading to his home; thereafter, petitioner along with his co-accused opened attack and inflicted injuries upon him. The accused persons were armed with knives. The petitioner was alleged to have given stick (*danda*) blow near left ear of the complainant. The trial Court while declining bail to the petitioner has also observed that the complainant had received two fractures on his head and two fractures on his arms. Perusal of the record further reveals that the petitioner was captured in CCTV footage, which shows his complicity in the offence in question. Thus, *prima facie*, the plea of the petitioner that he has been falsely implicated in the present FIR is of no help to him when state's stand is that he was clearly seen in the CCTV footage present at the spot of incident along with other co-accused. The manner in which the petitioner and his co-accused attacked the complainant shows clear, common and pre-planned intention, which disentitles him the concession of pre-arrest bail by this Court. The role attributed to the petitioner is specific, direct and active in nature and his complicity *prima facie* stands established from the material collected during investigation.

6.1. No cause *may* 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 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 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 establish 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, (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 and gravity of allegations and the role attributed to the petitioner, this Court finds no compelling ground to extend the benefit of discretionary relief to the petitioner. Granting bail, at this stage, would not only undermine the administration of justice but may also embolden the accused and pose a threat to the safety and well-being of the victim and other witnesses.

9. In view of above, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual matrix of the case in hand. Moreover, the investigation is still underway and custodial interrogation of the petitioner is being sought for effective investigation and to unearth the larger conspiracy and involvement of other co-accused persons. The petition is, thus, devoid of merits and is hereby **dismissed**.

10. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

11. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

July 06, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No