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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-40581-2026 (O&M)

Sahil Deep Singh alias Shally

...Petitioner

V/s

State of Punjab

...Respondent

Date of decision: 24.08.2026**Date of Uploading : 24.08.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present: Mr. Impinder Singh Dhaliwal, Advocate for the petitioner
(through Video Conference).

Mr. Adhiraj Singh Thind, AAG Punjab.

Mr. Digvijay Nagpal, Advocate for the complainant
(through Video Conference).

SUMEET GOEL, J. (Oral)

1. Present third 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.0075 dated 24.03.2026, registered for the offences punishable under Sections 115(2), 118(1), 191(3), 190, 324(4) of BNS, 2023, at Police Station City Malout, District Sri Muktsar Sahib.

2. The FIR in question pertains to causing multiple injuries to the complainant namely Hardeep Singh by the petitioner and co-accused. As per the prosecution story, the petitioner (herein) had caused injury with iron *khanda* on the right hand of the complainant on account of which his right thumb has been amputated. Furthermore, co-accused namely Sagar had

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given 2/3 blows of kirpan on the friend of the complainant namely Robinder Singh.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question and has not committed any offence as alleged. Learned counsel has further iterated that the present case is that of a version and cross-version in which the complainant party has caused six injuries to the petitioner. According to learned counsel, the allegations levelled against the petitioner are exaggerated and have been made with an ulterior motive. It has been further contended that there is a considerable delay in the registration of the FIR in question which casts serious doubt on the story put forth by the prosecution. It has been further contended that the complainant has deliberately suppressed the true and material facts and there is no independent or corroborative material in the form of eye-witness which would connect the petitioner with the alleged offence. Learned counsel has emphasized that co-accused namely Gurkirat Singh has already been granted the concession of anticipatory bail by Coordinate Bench of this Court and hence on the principle of parity, the petitioner deserves to be granted the concession of pre-arrest bail. It has been further submitted that no recovery is to be effected from the petitioner and, therefore, the custodial interrogation of the petitioner is not required in the facts and circumstances of the case. Furthermore, the petitioner has clean antecedents; deep roots in society; there is no likelihood of the petitioner fleeing from justice or tampering with the prosecution evidence and hence no useful purpose would be served by



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sending him behind the bars. On the strength of these submissions, a prayer for 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 petitioner has been specifically named in the FIR as he is the main accused. Learned State counsel has iterated that the FIR contains specific and direct allegations against the petitioner, who is stated to have inflicted an iron *khanda* blow on the right hand of the complainant on account of which his right thumb has been amputated. Referring to status report dated 19.08.2026, by way of affidavit of Jaspal Singh Dhaliwal, PPS, Deputy Superintendent of Police, Sub Division Malout, District Sri Muktsar Sahib, learned State counsel has submitted that the petitioner has actively participated in the commission of crime. The relevant of the said status report reads thus:

“6. Role of the petitioner — The petitioner was member of unlawful assembly. The petitioner and co-accused caused injuries to the complainant and they also broke the glasses of the car of the complainant. The injury No.1 (grievous sharp) of the complainant, caused with iron khanda, is attributed to the petitioner. The petitioner has actively participated in the commission of crime.”

Raising submission in tandem with the aforesaid status report, learned State counsel has contended that the weapon of offence is yet to be recovered and, therefore, the custodial interrogation of the petitioner is necessary for effective investigation and for unearthing the complete chain of events. It has been further contended that in case the petitioner is granted the concession of anticipatory bail, it may adversely affect the investigation, as there is every likelihood of the petitioner influencing witnesses or tampering with evidence. Considering the gravity of the offence and the



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manner in which it was committed, the dismissal of the petition in hand is prayed for.

4.1. Learned counsel appearing for the complainant has vociferously opposed the grant of anticipatory bail to the petitioner and has raised submissions in tandem with the State.

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

6. It would be apposite to refer herein to a judgment passed by the Hon’ble Supreme Court in the case titled as **Sumitha Pradeep vs. Arun Kumar C.K. and another, 2022(4) RCR (Criminal) 977**, relevant whereof reads as under:

“12. In a case containing such serious allegations, the High Court ought not to have exercised its jurisdiction in granting protection against arrest, as the Investigating Officer deserves freehand to take the investigation to its logical conclusion. It goes without saying that appearance before the Investigating Officer who, has been prevented from subjecting Respondent No.1 to custodial interrogation, can hardly be fruitful to find out the prima facie substance in the allegations, which are of extreme serious in nature.

xxx	xxx	xxx	xxx
xxx	xxx	xxx	xxx

“15. Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

16. We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial



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interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

7. As per the material available on record as also the stand of the State, indubitably, serious allegations have been levelled against the petitioner. The allegations in the present case disclose a grave and heinous offence wherein the petitioner alongwith co-accused is alleged to have attacked the complainant and inflicted multiple blows aimed at the vital parts of his body. As per the allegations, the role attributed to the petitioner is that he is alleged to be armed with an *iron Khanda* and inflicted a blow on the right hand on account of which the right thumb of the complainant has been amputated. The allegations indicate that the petitioner has actively participated in the occurrence and acted in concert with the other accused persons. Hence, the role attributed to the petitioner is direct, specific and distinguishable from that of the co-accused namely Gurkirat Singh, who is alleged to have not caused any injury in the occurrence. At this stage, the allegations *prima facie* indicate the active involvement of the petitioner in



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and active role in the commission of the offence. The allegations are not general or omnibus in nature but disclose a specific act of assault with a deadly weapon. The manner in which the alleged assault was carried out using a deadly weapon demonstrates the violent and aggressive conduct of the petitioner. 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. The argument that the co-accused has been granted the concession of anticipatory bail is also of no help to the petitioner as the plea of parity cannot be claimed mechanically. Each case is required to be examined on its own facts, and the role attributed to the petitioner *prima facie* appears to be direct, active and distinguishable from that of the co-accused who has been granted the concession of anticipatory bail; thereby disentitling the petitioner from claiming parity. Accordingly, the petitioner cannot claim parity with the co-accused as the principle of parity does not apply when the degree of participation and the gravity of allegations materially differ.

8. Furthermore, the plea of false implication on account of a cross-case is a disputed question of fact which cannot be adjudicated upon while considering a petition for grant of anticipatory bail. It is well settled that while exercising jurisdiction under Section 482 BNS, the Court must consider the nature and gravity of the accusation, the role attributed to the accused, the likelihood of fleeing from justice and the possibility of tampering with evidence of influencing witnesses. The scope of consideration of evidence/material at the stage of anticipatory bail is limited and the Court cannot go into the detailed appreciation of evidence or



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determine its admissibility, which is a matter to be decided during the course of trial. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. Bald assertions without supporting evidence cannot be made the basis for grant of anticipatory bail. The material which has come on record, including the medical evidence 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.”

9. Keeping in view the totality of the factual *milieu* of the case in hand especially the factum of the petitioner (herein) having attributed a grievous injury which has resulted into amputation of the thumb of the injured as also the requirement of the custodial interrogation for effective



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investigation, 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.

10. In view of the prevenient ratiocination, it is ordained thus:
- (i) The instant petition is devoid of merits and is hereby dismissed.
 - (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
 - (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

August 24, 2026
Ajay

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