



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-36042-2025(O&M)

Date of Decision:-26.08.2025

Jitender Chauhan.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Saleem Ahmed, Advocate for the Petitioner.

Mr. T.P. Singh, Senior DAG Haryana.

Mr. Jai Bhagwan, Advocate for respondent no.2-Complainant.

JASJIT SINGH BEDI, J.(ORAL)

CRM-31631-2025

Allowed as prayed for.

Complainant Savita wife of Sh. Nishi Kant is hereby ordered to be impleaded as party respondent no.2.

CRM-31632-2025

Allowed as prayed for.

Document annexed along with the application is taken on record as Annexure R-2/1. The Registry is directed to place the same at appropriate place and paginate the paper book accordingly.

CRM-M-36042-2025

The Prayer in this petition under Section 482 BNSS is for the grant of anticipatory bail in case FIR No.49 dated 11.05.2025 under Sections



191(3), 190, 115(2), 118(1), 117(2), 110, 109 BNS Act, 2023 registered at Police Station Kheripul, District Faridabad, Haryana.

2. The present FIR came to be registered at the instance of Savita Devi and reads as under:-

“ Sir, it is requested that 1, Savita Devi, wife of Nishikant Chauhan, is the resident of 24 Feet Road, Wazirpur, Faridabad. At around 10.15 pm, two groups were fighting in front of my house. In which the name of one was Shivam, Gopal and four to five other people were fighting. My husband and my brother Raghuraj reached home from duty and from outside, my husband asked both the parties to stop fighting and not to quarrel and abuse each other. Then they started fighting with my husband and brother. Then Deva and Shubham etc.. attacked upon my husband and brother with lathi and rod. Then both my sons and I myself came running to save my husband and brother then these people attacked upon me and my husband, brother and children with axes, knives and sharp weapons. We were admitted to the nearest hospital by the people, information of which was given by my brother Sagar dialling 112. Sir, it is requested you to take strict action against all these persons.”

3. The counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There is a video footage of the incident wherein the petitioner is shown to be armed with a danda and causing injuries to the complainant party. The injuries attributed to the petitioner are simple ones at best and not grievous as suggested by the prosecution. As he is ready and willing to join investigation, he is entitled to the concession of anticipatory bail.

4. The learned counsel for the State, on the other hand, has filed a status report by way of affidavit dated 25.08.2025 of Mr. Rajeev Kumar, HPS, Assistant Commissioner of Police, Central Faridabad in the court which is taken on record. By referring to the aforesaid status report, he along with the counsel for the complainant contend that the video footage



referred to above only reveals part of the occurrence. In fact during the course of the investigation, the statement of injured Raghuraj was recorded under Section 161 Cr.PC in which he has categorically stated that the petitioner-Jitender had given an axe blow on his head. This injury, as per the CT Scan report is a displaced fracture on the right parietal bone and the one attracting Section 307 IPC. Therefore, the petitioner is not entitled to the concession of anticipatory bail.

5. I have heard counsel for the parties.

6. The Hon'ble Supreme Court in the case of ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022 Live Law (SC) 870*** held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the prima facie case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

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.

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 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 custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

7. A perusal of the statement of Raghuraj son of Vijay Pal recorded under Section 161 Cr,PC would reveal without any doubt that it was the petitioner who has given an axe blow on the head of Raghuraj. As per the opinion of the surgeon, the said injury which is injury no.1 in the MLR is a displaced fracture of the right parietal bone and has been declared to be dangerous to life. Apparently, the petitioner is one of the main accused.

8. In view of the aforementioned discussion, as the offence stands *prima facie* established and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is certainly required. Therefore, I find no merit in the present petition and the same stands



dismissed.

9. However, the observations made hereinabove are only for the purposes of deciding this bail petition and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made herein.

(JASJIT SINGH BEDI)
JUDGE

August 26, 2025
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>