



CRM-M-43291 of 2025

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

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CRM-M-43291 of 2025
Date of Decision: 01.09.2025

Sunny Dhawan alias Gurila Bunny

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. P.B.S. Goraya, Advocate and
Mr. SPS Sandhu, Advocate and
Mr. S.S. Bhullar, Advocate
for the petitioner.

Mr. Satvir Singh Mander, AAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.78 dated 19.05.2025 registered under Sections 191(3), 190, 109 and 115(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 25 of the Arms Act, at Police Station Civil Lines, District Amritsar.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case on erroneous grounds. He argued that there is delay in lodging of the FIR as the alleged occurrence took place on 18.05.2025 and the FIR was registered on 19.05.2025. He argued that initially the FIR was lodged against unknown persons wherein it was alleged that two different group of persons were altercating at liquor



shop. It is further alleged that the complainant-Sudhir Kumar along with his friend had also gone to the liquor shop for consuming liquor and after some time, all of sudden, one group of person started attacking the complainant and one of the assailant gave blow with pistol butt on the head of the complainant. He further argued that there is no credible evidence or material on record to show that the complainant suffered fired arm injury in the head. It has also been contended that the petitioner has been falsely implicated on the basis of disclosure statement of accused-Balram Sharma which has no value in the eyes of law. He argued that the custodial interrogation of the petitioner is not required for any recovery and he is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

3. On the other hand, learned State counsel, while referring to the same, has opposed the prayer for grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature. He argued that at the time of commission of offence, the petitioner was armed with pistol and he had fired gun shots at the complainant and also given beatings to the complainant. He further argued that in the present case, the CCTV footage of the place of occurrence was taken into possession by the police and the present petitioner is clearly visible in the CCTV footage in which he was holding a pistol and fired gun-shots. Moreover, the petitioner is involved in six other cases including one under Section 302 IPC meaning thereby he is an habitual offender. He further submits that the custodial interrogation of the petitioner is required for fair and proper investigation in the matter as well as to effect recovery of weapon of offence used in the



crime and also to arrest the co-accused Kashish Duggal @ Kaka Kirch. Hence, he prays for dismissal of the petition.

4. 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 would be apposite to refer herein judgment of Hon'ble Supreme Court in '**State Vs. Anil Sharma**', (1997) 7 SCC 187, wherein it has been held 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 information 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."

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5. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is accordingly dismissed.

6. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

01.09.2025*D.Bansal***(RUPINDERJIT CHAHAL)
JUDGE**

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