



CRM-M-45350-2025

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

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CRM-M-45350-2025

Date of decision: 10.09.2025

Sachin

....Petitioner

V/s

State of Haryana

....Respondent

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. KDS Hooda, Advocate for the complainant.

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**SUMEET GOEL, J. (Oral)**

1. Present 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.123 dated 28.03.2025, registered for the offences punishable under Sections 109(1), 115, 190, 191(3), 351(3), 61 of BNS, 2023 and Section 25 of the Arms Act, at Police Station City Palwal, District Palwal.

2. The gravamen of the FIR in question reflects that on 28.03.2025, ASI Subhash, while present at the police post, received an information from the Palwal control room regarding a violent altercation in the village Patli Khurd arising from a land dispute. Responding promptly, ASI Subhash, accompanied by other police personnel, proceeded to the location in a government vehicle. Upon arrival, both the parties were initially counselled and directed to appear at the police post with their land ownership documents. Later that day, further information was received with regard to further clash at the same location. As the police arrived on the spot

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but found no one present. However, the weapons including sticks, axes, and hammers allegedly used in the conflict were recovered and taken into custody vide a recovery memo and the process was video-graphed for the evidentiary purposes. Subsequently, the injured persons were located at General Hospital, Palwal, where the police collected the ruqa and Medico Legal Reports (MLRs). On account of the injuries sustained during the occurrence, the attending physician referred the injured Vipin, Rahul, and Vinod to a higher medical facility. The police then returned to the City Police Station, where the complainant namely Lakhanpal submitted a written complaint against 18 named individuals and 30/40 unidentified persons, all residents or affiliates of village Patli Khurd (including the petitioner). According to the complainant, the villagers had been peacefully protesting on the Shamlat Deh land (common village) over the wrongful registration of ownership by one R.C. Agarwal, as reflected in the revenue records. On 26.03.2025, accused Ashok s/o Raghuveer allegedly tried to plough the disputed land on behalf of the aforesaid R.C. Agarwal but was stopped by the protestors. On 28.03.2025, at around 11:30 AM, the said Ashok allegedly returned, accompanied by his family members and other hired persons who were armed with country made pistols, axes, hammers, sticks and iron rods. Thereafter, accused Ashok fired a bullet on the brother of the complainant namely Vipin which crossed very close to his right ear. Accused Rahul fired a shot at Vinod but he had a narrow escape. Accused Sachin (petitioner herein), with the country made pistol, fired a shot at Rahul but that shot narrowly missed him. Thereafter, all the accused attacked the protestors with the intention to kill and fired multiple rounds. Several protestors, including Manoj, Vipin, Vinod and Rahul sustained



grievous injuries and some managed to escape by climbing over the walls. The assailants allegedly issued threats to end the protest and claimed that the aforesaid R.C. Agarwal had promised them a portion of the land. The situation escalated to a violent and premeditated attack despite earlier instructions given by the SHO. The complainant further alleged that after a villager dialed emergency number 112, the police arrived at the scene of occurrence on which all the accused fled. The injured were initially treated at GH Palwal, while some referred to advanced medical centers due to the severity of their injuries. The incident was corroborated by multiple eyewitnesses, including Krishna and Satish, and a request was made for the appropriate legal action against all the involved accused. On these set of allegations, instant FIR was registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that from the bare perusal of the present FIR, no offence is made out against the petitioner. Learned counsel has further iterated that the FIR itself is based on hearsay information as the complainant admittedly was not present at the place of alleged occurrence. Furthermore, no independent injured witness has supported the prosecution version which makes the prosecution story highly improbable. It has been further submitted that though it is alleged that the petitioner fired at injured Rahul but no empty cartridge was recovered from the spot. Even otherwise, the injuries sustained to injured Rahul are simple in nature and not attributed to the petitioner. According to learned counsel, the petitioner has been roped in only on the disclosure statement of co-accused, without any specific role of inflicting injuries to him. Moreover, the statement under Section 180 of BNSS by injured Rahul is contradictory and not supported by any medical or forensic evidence. It



has been argued that the prosecution itself alleges that the incident was a result of a larger conspiracy orchestrated by one R.C. Aggarwal, yet he has not been named or arrayed as an accused in the instant FIR. Learned counsel has emphasized that the co-accused of the petitioner have already been granted the concession of bail by the Court below as well as by this Court and hence on the grounds of parity as well as absence of any direct role or recovery from the petitioner, he deserves the concession of anticipatory bail. Learned counsel asserts that the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. On the basis of aforesaid submissions, the grant of instant petition 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. Referring to reply dated 08.09.2025 by way of affidavit of Manoj Verma, HPS, Deputy Superintendent of Police, Palwal on behalf of State of Haryana filed in Court today, learned State counsel submits that there are specific and direct allegations against the petitioner of having fired at injured Rahul which narrowly missed him. Furthermore, the statement of injured under Section 180 of BNSS directly implicates the petitioner. According to learned State counsel, the plea of false implication is an afterthought. Learned State counsel has further iterated that the custodial interrogation of the petitioner is necessary for the purpose of recovery of country made pistol and fair investigation. He has emphasized that in case the petitioner is granted the concession of pre-arrest, at this stage, it may impede the ongoing investigation and adversely effect the efforts to apprehend the remaining co-accused. Accordingly, a

prayer has been made for the dismissal of the instant petition in order to facilitate effective investigation into the alleged offence.

5. Learned counsel for the complainant has vociferously opposed the grant of anticipatory bail to the petitioner by raising submission in tandem with the learned State counsel.

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

7. It would be apposite to refer herein to a judgment of the Hon’ble Supreme Court titled as **Kishor Vishwasrao Patil vs. Deepak Yashwant Patil and another** passed in **SLP(Crl) No.1125-2022**, relevant whereof reads as under:

*“74. Ordinarily, arrest is a part of the process of the investigation intended to secure several purposes. There may be circumstances in which the accused may provide information leading to discovery of material facts and relevant information. Grant of anticipatory bail may hamper the investigation. Pre-arrest bail is to strike a balance between the individual's right to personal freedom and the right of the investigating agency to interrogate the accused as to the material so far collected and to collect more information which may lead to recovery of relevant information.*

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*75. Observing that the arrest is a part of the investigation intended to secure several purposes, in **Adri Dharan Das v. State of W.B. [Adri Dharan Das v. State of W.B., (2005) 4 SCC 303 : 2005 SCC (Cri) 933]** , it was held as under : (SCC p. 313, para 19)*

*“19. Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without*



*hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance, to maintain law and order in the locality. For these or other reasons, arrest may become an inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 of the Code. The role of the investigator is well defined and the jurisdictional scope of interference by the court in the process of investigation is limited. The court ordinarily will not interfere with the investigation of a crime or with the arrest of the accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under Section 438 of the Code will amount to interference in the investigation, which cannot, at any rate, be done under Section 438 of the Code.”*

76. In **Siddharam Satlingappa Mhetre v. State of Maharashtra** [**Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514**], the Supreme Court laid down the factors and parameters to be considered while dealing with anticipatory bail. It was held that the nature and the gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made and that the court must evaluate the available material against the accused very carefully. It was also held that the court should also consider whether the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.

77. After referring to **Siddharam Satlingappa Mhetre** [**Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514**] and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in **Jai Prakash Singh v. State of Bihar** [**Jai Prakash Singh v. State of Bihar, (2012) 4 SCC 379 : (2012) 2 SCC (Cri) 468**], the Supreme Court held as under : (SCC p. 386, para 19)

“19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is *prima facie* of the view that the applicant has falsely been enroled in the crime and would not misuse his liberty. (See **D.K. Ganesh Babu v. P.T. Manokaran** [**D.K. Ganesh Babu v. P.T. Manokaran, (2007) 4 SCC 434 : (2007) 2 SCC (Cri) 345**], **State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain** [**State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain, (2008) 1 SCC 213 : (2008) 1 SCC (Cri) 176**] and **Union of India v. Padam Narain**



*Aggarwal [Union of India v. Padam Narain Aggarwal, (2008) 13 SCC 305 : (2009) 1 SCC (Cri) 1].)*”

*Economic offences*

78. Power under Section 438 CrPC being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In **Directorate of Enforcement v. Ashok Kumar Jain** [Directorate of Enforcement v. Ashok Kumar Jain, (1998) 2 SCC 105 : 1998 SCC (Cri) 510], it was held that in economic offences, the accused is not entitled to anticipatory bail.”

15. In **Sushila Agrawal and others v. State (NCT of Delhi) and Another** reported in (2020) 5 SCC 1, Constitution Bench of this Court held that while considering an application for grant of pre-arrest bail the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence or likelihood of fleeing justice. The Court held:-

“92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court.”

8. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. As per the allegations contained in the FIR, on 28.03.2025, the petitioner, alongwith co-accused, allegedly formed an unlawful assembly and armed with deadly weapons i.e. axes, hammers, sticks, and country-made firearms, launched a violent and premeditated assault on the complainant and other villagers. It is further alleged that during the course of this incident, firearms were discharged with the intent to cause harm and create panic among the protestors. The incident resulted in grievous injuries to four individuals, namely Vipin, who sustained seven injuries; Vinod Kumar, who suffered six



injuries, including a head injury; Rahul, who sustained three injuries; and Manoj, who also received three injuries. The material on record, particularly the statement of the injured Rahul recorded under Section 180 BNSS, specifically attributes the role of firing to the petitioner. In the considered opinion of this Court, at the stage of considering the plea for anticipatory bail, the Court is not to evaluate the evidence but only to see whether *prima facie* allegations disclose a serious offence. The direct allegation of use of firearm by the petitioner cannot be ignored while considering the plea for grant of anticipatory bail.

9. The contention regarding non-recovery of empty cartridges does not demolish the prosecution version at this stage. It is trite law that the ocular evidence of an injured witness has greater evidentiary value. Furthermore, the simple nature of injuries does not dilute the seriousness of the allegation of firing at the victim. The FIR *ibid* clearly demonstrates that the petitioner was a part of a group who were armed with deadly weapons. Though the petitioner may not have been attributed with a specific act of firing the fatal injury but the allegations, as recorded in the FIR, *prima facie* suggest the presence and participation of the petitioner as part of an unlawful assembly with a common object. Similarly the grant of bail to co-accused does not entitle the petitioner to parity as the role attributed to him is distinct and grave. It is well settled that the principle of parity is not absolute and cannot be applied mechanically in all circumstances. Each case must be evaluated on its own facts and the nature and role of each accused is to be independently assessed.

10. The weapon allegedly used by the petitioner has not yet been recovered and the investigating agency has sought the custodial



interrogation of the petitioner for effective recovery, verification of facts and to establish the broader conspiracy, if any, behind the occurrence. 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. It goes without saying that in the instant case, the complainant has categorically stated that the petitioner along with co-accused and as part of an unlawful assembly, acted in furtherance of their common object, inflicted multiple injuries upon the complainant party.

11. 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. 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 be established 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 Hon'ble 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 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 task of disinterring offences would not conduct themselves as offenders.”*

12. In view of the gravity of the allegations, the specific role attributed to the petitioner, the serious nature of injuries sustained by the victims, pending recovery of the weapon and the necessity of custodial interrogation for a fair and thorough investigation, 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.

13. 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**

September 10, 2025

*Ajay*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No