

CRM-M-51467-2025
Date of decision: 15.09.2025

...PETITIONER

STATE OF PUNJAB

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

1. Present petition is filed under Section 482 BNSS, 2023 seeking anticipatory bail to the petitioner in a case bearing FIR No.0131 dated 16.07.2025 under Sections 115(2), 118(1), 191(3), 190 and 351(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS, 2023') (Section 118(2) of BNS, 2023 added vide DDR No.26 dated 07.08.2025) registered at Police Station Kot Ise Khan, District Moga (Annexure P-1).

2. Learned counsel for the petitioner contends that the injury alleged to be attributed to the petitioner is on non-vital part of the body; and father of the petitioner also received injury on his shoulder i.e. fracture of collar bone; the petitioner is ready to join the investigation and prayed for grant of anticipatory bail.

3. Notice of motion.

4. Mr. Subhash Godara, Addl. A.G. Punjab, who is present in the Court accepted notice on behalf of respondent-State and opposed the prayer made by the petitioner by submitting that specific role is attributed to the



petitioner that he was armed with sword and attacked upon the complainant with the same, which hit on his left hand and left arm. The petitioner was also accompanied by some unknown persons, therefore, his custodial interrogation is required for recovery of weapon of offence as well as to ascertain the involvement of other co-accused. In this case, there are two injured having several injuries and prayed for dismissal of the present petition.

5. Heard.

6. Keeping in view the facts and circumstances of the case and the facts that that there is specific role attributed to the petitioner; he was armed with sword and caused injuries to the complainant; he is required for custodial interrogation i.e. for recovery of weapon of offence and also for some other purposes to collect the evidence; anticipatory bail cannot be granted to the petitioner in view of law laid down by the Hon'ble Supreme Court in case titled as '***CBI Vs. Anil Sharma, 1997 AIR Supreme Court 3806***' decided on **03.08.1997**, wherein it has been held as under:-

"....custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favorable order under Section 438 of the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he 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 disintering offences would not conduct themselves as offenders."

7. In view of the above, this Court finds no ground to grant anticipatory bail to the petitioner and the present petition stands dismissed.
8. Nothing observed hereinabove shall be construed as an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

September 15, 2025
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(SUBHAS MEHLA)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |