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

CRM-M-56800-2025

Date of decision: 17.10.2025

BALKAR SINGH**...PETITIONER****VERSUS****STATE OF PUNJAB****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA**

Present: Mr. Dinesh Kumar, Advocate for the petitioner.

SUBHAS MEHLA, J. (ORAL)

1. This is the first petition filed under Section 482 BNSS, 2023 seeking anticipatory bail to the petitioner in a case bearing FIR No.47 dated 28.07.2025 under Sections 118(1), 115(2), 351(2), 193(3), 190 of BNS. 2023 (Section 117(2) BNS has been added later on) registered at Police Station Dharamgarh, District Sangrur.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and all the offences are bailable except offences under Sections 118(1) and 117(2) of BNS, the injuries upon which non-bailable Section are attracted are attributed to the co-accused. The case of the present petitioner is on the same footing as co-accused, namely Pardeep Singh, Jagraj Singh, Jagtar Singh and Hardev Singh who have already been granted interim bail by this Court vide orders dated 29.08.2025, 16.09.2025 and 29.09.2025 passed in CRM-M-47829-2025, CRM-M-52172-2025 and CRM-M-55229-2025. Moreover, the petitioner is ready and willing to join investigation and cooperate with the Investigating Agency, thus, he prayed for pre-arrest bail.

3. Notice of motion.



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4. Mr. Nitesh Sharma, DAG, Punjab, who is present in the Court accepted notice on behalf of respondent-State and opposed the bail application and submitted that the petitioner is a habitual offender and is involved in 10 other cases of criminal nature and in the present case, specific role has been attributed to the petitioner that he was armed with a sword and gave a sword blow to the injured on the right leg and, thus, he is required for custodial interrogation and to recover the weapon used in the offence.

5. Heard.

6. Keeping in view the facts and circumstances of the instant case, the antecedents of the present petition as well as role attributed to him that he was armed with a sword at that time and gave a sword blow to the injured on the right leg and he is required for custodial interrogation; this court is not inclined in granting the relief of anticipatory bail 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 ensconced 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 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

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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 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 to be 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.

17.10.2025

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**(SUBHAS MEHLA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No