



CRM-M-59132 of 2025

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

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CRM-M-59132 of 2025
Date of Decision: 01.12.2025

Kala @ Sandeep

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Nitin Narula, Advocate for the petitioner.

Mr. Amit Shukla, DAG, 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.0023 dated 26.03.2025 registered under Sections 115(2), 118(1), 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023 (Section 118(2) of the BNS added later on), at Police Station Kotli Surat Mallian, District Batala.

2. Brief facts as per the prosecution case are that the petitioner along with other co-accused assaulted one Sunny Masih (husband of the complainant) and caused injuries to him.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He argues that the alleged occurrence took place on 13.03.2025 but the FIR in question was registered on 26.03.2025 i.e. after an unexplained delay of 13 days, casting serious doubt on the prosecution story. He further argues that if the contents of the

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FIR are taken to be true, even then no specific injury has been attributed to the present petitioner. He further argues that Section 118(2) of BNS has been added after the supplementary statement of the complainant dated 24.05.2025 only to make the offence graver that too after a delay of two months from the date of registration of the FIR. Moreover, the petitioner has clean antecedents as he is not involved in any other case. Further, co-accused Bobby @ Booby has already been granted the concession of anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 29.09.2025. Learned counsel has further submitted that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Gurdaspur, vide order dated 12.09.2025.

5. On the other hand, learned State counsel has filed the status report in the matter, which is taken on record and 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 argues that the petitioner has been specifically named in the FIR. He further argues that the petitioner, who was armed with a *datar*, assaulted the victim and inflicted injury to him on his left leg above the ankle joint, which has been declared grievous in nature and offence under Section 118(2) of the BNS has been specifically attributed to the present petitioner. Further, the

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victim sustained 10 injuries and out of which, 09 were inflicted with sharp edged weapon and he had received two severe head injuries and thus, unable to speak till date. He further submits that the custodial interrogation of the petitioner is required for ascertaining precise role of petitioner and modus operandi. Further, the weapon of offence is yet to be recovered. Hence, he prays for dismissal of the petition.

6. Heard.

7. In the present case, the petitioner is specifically named in the FIR and the allegations against him are serious in nature. He is alleged to have inflicted injuries upon the injured with datar and the same was declared grievous in nature. The weapon of offence is yet to be recovered. This Court is sanguine of the fact that while considering the petition for anticipatory bail, it is required to consider the overall nature of offence and accusation against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection, at this stage. Granting anticipatory bail with such allegations, at this preliminary stage, would not be justified as it may affect the course of fair investigation and undermine the seriousness of the alleged act. Considering the gravity of the allegations, the custodial interrogation of the petitioner is necessary for effective investigation in the matter.

8. 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



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wider impact of such alleged iniquities on the society. It would be apposite to refer herein judgment of the 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."

9. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Thus, the present petition being devoid of merits is hereby dismissed.

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

(RUPINDERJIT CHAHAL)
JUDGE

01.12.2025
D.Bansal

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