



CRM-M-59208-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-59208-2025

Date of decision: 27.10.2025

Gagan @ Billa

...Petitioner

V/s

State of Punjab

...Respondent

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

Present: Mr. Ishnoor Singh, Advocate for the petitioner.

Mr. Amit K. Goyal, Additional Advocate General, Punjab.

Mr. Vikasdeep Singh, Advocate for the complainant.

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

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of BNSS, 2023 in FIR No.0196 dated 09.08.2025 registered for offences punishable under Sections 333, 115(2), 351(3) and 117(2) (added later on) of BNS, 2023 at Police Station Sultanpur Lodhi, District Kapurthala, Punjab.

2. The case of the prosecution is based on the statement of complainant namely Chandan Bhushan son of Sant Ram, resident of Mohla Mer Sultanpur Lodhi, District Kapurthala, who works as a confectioner. He alleged that on 06.08.2025, around 3:00 AM, while he alongwith his mother and sister were sleeping, accused Gagan @ Billa (petitioner herein), Ajay (both sons of Bhalla), Vicky, Vishal, Bhalla and Daler Baba (son of Ramesh @ Mesha) alongwith 10-12 unidentified men arrived in a vehicle. They were armed with *datars* and baseball bats and forcibly entered the house of the complainant after breaking the gate. Thereafter, the petitioner attacked

the complainant with a *datar*, injuring his left hand. Accused Ajay struck



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the complainant on the left side of his face and accused Daler Baba hit the complainant on his left arm with a baseball bat. Accused Vicky hit the complainant on his left elbow and accused Vishal struck the complainant on his right arm with the reverse side of a *datar*. Accused Billa also caused injury by hitting on the chest of the complainant with a baseball bat. When the complainant cried for help, his mother and sister came to rescue him but all the assailants also started beating them as well and tore their clothes. Hearing the noise, the neighbours gathered and the accused fled the scene of occurrence with their respective weapons by issuing threats to the complainant to kill him. On the basis of the aforesaid complaint, the instant FIR has been registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question and the same has been lodged after a delay of 03 days which creates serious doubt about the version of the prosecution. Learned counsel has further iterated that the petitioner is a resident of Majitha, District Amritsar whereas the incident is alleged to have taken place at Sultanpur Lodhi, District Kapurthala and, thus, there exists no connection or proximity between the petitioner and the complainant. Learned counsel has further argued that the only allegation against the petitioner is of giving a *datar* blow on the left hand of the complainant but the MLR does not show any sharp edged or incised wound corresponding to such an injury. According to learned counsel, all the injuries inflicted are blunt in nature which falsifies the version of *datar* blow. Learned counsel has further argued that all the offences alleged are



co-accused namely Rampal @ Bhalla, Daler Baba and Ajay Kumar have already been extended the concession of anticipatory/interim bail by this Court as well as by the Court below. It has been further argued that there is no need for custodial interrogation of the petitioner as nothing incriminating remains to be recovered from him. Moreover, there is no likelihood of the petitioner absconding from the process of justice or tampering with the prosecution evidence in case he is enlarged on pre-arrest bail. On strength of these submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail by arguing that the allegations against the petitioner are grave and serious involving house trespass, assault with deadly weapons and causing injuries to the complainant and his family members. According to learned State counsel, the petitioner has been specifically named in the FIR with a clear overt act attributed to him i.e. a *datar* blow during the assault. It is further argued that the custodial interrogation of the petitioner is necessary for the recovery of the weapon, identification of absconding accused as also to ascertain the motive and role of each accused. Furthermore, in case the petitioner is granted the concession of pre-arrest bail, at this stage, it may impede the ongoing investigation and potentially lead to tampering with evidence or influencing of witnesses. Accordingly, a prayer has been made for the dismissal of the instant petition.

4.1. Learned counsel appearing for the complainant has vociferously opposed the instant petition by raising submissions in tandem with the State counsel.



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

6. As per the case put forth in the FIR *ibid*, indubitably, serious allegations have been levelled against the petitioner. The specific allegations against the petitioner show that he was one of the assailants who alongwith his co-accused, forcibly entered the house of the complainant at night armed with deadly weapons and inflicted injuries upon the complainant and his family members. The offence alleged is of heinous in nature as the assault within the boundary/confines of a house during night hours *prima facie* reflects premeditation and concerted action. The stand of the State before this Court is that the petitioner alongwith co-accused have trespassed into the house of the complainant and caused multiple injuries to the complainant and his family members. At this stage, when the investigation is in progress and recovery of the looted articles and weapons is yet to be effected, the grant of anticipatory bail to the petitioner would hamper the investigation.

7. The Court cannot be oblivious to the fact that the offence of this nature not only affect the individual but also create a sense of insecurity in the community at large. Protection of such offenders at the stage of investigation would send a wrong signal to society and embolden others to indulge in similar unlawful activities. The power under Section 482 of BNSS, 2023 is meant to protect innocent persons from unnecessary harassment and false implication but the same cannot be extended to those against whom there are *prima facie* serious allegations supported by material collected during investigation. The allegations, if found to be true, reflect a



have caused mental distress to them. Such offences necessitate a strong and principled judicial response to prevent their recurrence.

8. The contention regarding the delay of 03 days in lodging the FIR cannot be accepted as fatal at this stage, particularly when the injured were under medical treatment and shock. Similarly, the absence of sharp edged injury in the MLR cannot, by itself, be taken as decisive factor in favour of the petitioner. The same is to be evaluated during trial upon appreciation of evidence and medical testimony. In the considered opinion of this Court, the offence of this nature is serious for which custodial interrogation of the petitioner may be necessary to recover the weapon and ascertain the complete chain of events as also to ascertain the role of each accused. In the considered opinion of this Court, granting anticipatory bail at this stage may likely to hamper the on-going investigation.

9. Moreover, no cause *nay* 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 accused persons, who were armed with deadly weapons have trespassed into his house and inflicted multiple injuries to him and his family members. It goes without saying that the gravity of the offence, its potential impact on public and national security and the stage of investigation, all weigh against the grant of anticipatory bail. The plea of the parity with the co-accused is also misplaced as the grant of bail depends upon the role attributed to each accused. The petitioner has been specifically named in the FIR. The fact



by itself, entitle the petitioner to the same. The allegations in the FIR coupled with the investigation conducted so far, *prima facie* indicate the commission of a grave offence. 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. 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 interests. 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 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 cases. The Court has to presume that responsible police officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders.”*

11. In view of the gravity of the allegations, the specific role attributed and the necessity of the 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.

12. 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

October 27, 2025  
*Ajay*

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