



CRM-M-61453 of 2025

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

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CRM-M-61453 of 2025
Date of Decision: 03.12.2025

Mahinder Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Arshadveer Singh, Advocate
for the petitioners.

Mr. Ravinder Singh, DAG, Punjab.

Mr. Manu Loona, Advocate
for the complainant.

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 petitioners in case FIR No.76 dated 05.06.2025 registered under Sections 103, 115(2), 351(2), 191(3), 190 and 61(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 3 of the Protection of Damage to Public Property Act, 1984 (Section 103 of BNS was deleted later on and Section 105 of BNS added vide Rapat/DDR No.12 dated 07.08.2025), at Police Station Arniwala, District Fazilka.
2. Brief facts of the present case are that the petitioners along with other co-accused persons, armed with deadly weapons, brutally attacked and caused injuries to the complainant and his family members, due to which

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one Budh Parkash (brother of the complainant) died.

3. Learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case. He argued that there is delay in lodging the FIR as the alleged incident took place on 04.06.2025 but the FIR in question was registered on 05.06.2025, casting serious doubt on the prosecution story. He argued that the petitioners have not caused any injury to Budh Parkash (since deceased) or to any other person. He further argued that even if the prosecution story is believed to be true, then the petitioners are only alleged to have caught the complainant, threw him on the ground and gave beatings to him. He further argued that as per the viscera and pathology report, the deceased had died due to congestive heart failure and as such, offence under Section 103 of BNS is not attracted in the present case. Now, offence under Section 103 of BNS has been deleted and instead, offence under Section 105 of BNS has been added, which itself shows the entire story propounded by the complainant is doubtful. Moreover, the petitioners have clean antecedents as they are not involved in any other case and no recovery is to be effected from them. Learned counsel has further submitted that the petitioners are ready and willing to join the investigation as and when called upon to do so by the investigating agency.

4. Apprehending their arrest, the petitioners had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Fazilka, vide order dated 13.10.2025.

5. On the other hand, learned State counsel, while referring to the status report, has opposed the prayer for grant of anticipatory bail, by

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submitting that the allegations levelled against the petitioners are serious in nature. He argued that the petitioners along with other 24 accused have mercilessly assaulted the complainant party including Budh Parkash, who succumbed to the injuries. The present petitioners have actively participated in the crime. He further argued that custodial interrogation of the petitioners is required as weapons used in the crime are yet to be recovered and also to unearth the *modus operandi*. Hence, he prays for dismissal of the petition.

6. Learned counsel for the complainant, while opposing the prayer for grant of anticipatory bail to the petitioners, has contended that the petitioners have played an active role in the crime and, thus, do not deserve the concession of bail.

7. Heard.

8. In the present case, the allegations against the petitioners are serious in nature and they are specifically named in the FIR. As per the status report filed by the State, the petitioners were part of group of assailants, who armed with deadly weapons, attacked and assaulted the complainant party mercilessly. In the said scuffle, Budh Parkash is stated to have succumbed to the injuries suffered by him. Allegedly, both the petitioners have participated in the crime. The custodial interrogation of the petitioners is required to unearth the *modus operandi* and to complete the investigation, which so far indicates involvement of the petitioners in the alleged crime.

9. 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. It would be apposite to refer herein judgment of 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."

10. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioners is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is hereby dismissed.



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

(RUPINDERJIT CHAHAL)
JUDGE

03.12.2025

D.Bansal

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