



CRM-M-60715 of 2025

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

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CRM-M-60715 of 2025
Date of Decision: 17.11.2025

Kapil Fagna

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Gaurav Gupta, Advocate
for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

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.168 dated 17.03.2025 registered under Sections 108 of the Bharatiya Nyaya Sanhita, 2023 (Sections 61(2) and 253 of Bharatiya Nyaya Sanhita, 2023 added later on) at Police Station Suraj Kund, District Faridabad.
2. Brief facts as per the prosecution case are that because of beatings given by the petitioner and co-accused, the brother of complainant namely-Rakesh @ Rinku had committed suicide.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has not committed the alleged offence. He further argued that one day prior to the suicide, the deceased had lodged an FIR for alleged beatings given to him and the

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present petitioner was not named in that FIR. He further submits that the petitioner and the deceased were residents of same locality and had no previous enmity between them. He further submits that the petitioner has clean antecedents. He further submits that challan has already been presented against the co-accused and hence, custodial interrogation of petitioner is not required. Learned counsel further submits that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

4. Learned State counsel, has filed reply by way of affidavit of ACP, Crime-II, Faridabad, which is taken on record. Having placed reliance upon the reply, she submits that the petitioner was directly involved in abetting the suicide of the deceased and he alongwith co-accused caused injuries to the complainant and his brother. She further submits that the petitioner has been specifically named in the FIR. Further, she has placed reliance upon Annexure R-2 annexed with the reply and submits that before committing suicide the deceased had sent a video recording to his brother-complainant wherein he has specifically named the present petitioner alongwith co-accused responsible for his death. She further submits that during investigation, co-accused Sonu@Sachin@Zenda has also named the petitioner as one of the accused who gave beatings to the complainant and deceased. She further submits that custodial interrogation of the petitioner is required for proper and thorough investigation in the matter. Hence, she prays for dismissal of the petition.

5. At this stage, Mr. Pradeep Duhan, Advocate has put in



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appearance on behalf of the complainant and prays for dismissal of the petition by submitting that the petitioner has played an active role in abetting the suicide of the deceased.

6. 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



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disinterring offences would not conduct themselves as offenders."

7. In the present case, the petitioner is specifically named in the FIR and the allegations against the present petitioner are that he alongwith co-accused gave beatings to the complainant and his brother Rakesh-deceased. The deceased has specifically named the petitioner in the video sent to his brother-complainant. The co-accused has also named the petitioner and thus custodial interrogation of the petitioner is required to ascertain his exact role.

8. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner 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.

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

17.11.2025

sk/D.Bansal

(RUPINDERJIT CHAHAL)
JUDGE

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