



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

CRA-S-3480-2025

Date of decision: 13.11.2025

NAVEEN

...APPELLANT

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Vikas Bishnoi, Advocate
for the appellant.

Mr. Karan Veer Singh, Senior DAG, Haryana.

SUBHAS MEHLA, J. (ORAL)

1. By way of present appeal, the appellant is assailing the order dated 28.10.2025 passed by learned Additional Sessions Judge, Hisar in FIR bearing No.246 dated 16.10.2025 under Sections 110, 115, 190, 191(3), 324(4), 333, 351(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 3 of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short SC/ST Act) registered at Police Station Uklana.

2. Briefly stated, the FIR was registered on the basis of complaint made by complainant Vijay, who belongs to Scheduled Caste. On 15.10.2025 at nearly 11.00 PM, he along with Sagar and Badal went to drop Rakesh at his house, where they saw that co-accused Sonu was urinating on the boundary wall of Rakesh's house. Upon this, they raised an objection and a confrontation took place between them. However, after 20-25



minutes, Sonu along with Pankaj and 3-4 other persons came to Rakesh's house and gave them beatings with wooden logs. They also passed bad remarks to the complainant regarding his caste, and thereafter, left the spot after extending threat to kill them in future.

3. Learned counsel for the appellant contended that no injury has been attributed to the appellant; he has also not been named in the FIR; the appellant has been falsely involved in the present case; the appellant has been nominated in the present case only on the basis of disclosure statement of co-accused, which is inadmissible in evidence; no specific words regarding the casteist remarks have been attributed to the appellant and he is ready to join investigation. As such, learned counsel prayed for anticipatory bail to the appellant.

4. Upon advance notice, learned State counsel appeared on behalf of respondent-State and on instructions from ASI Naresh Kumar, opposed the prayer made by the appellant by submitting that the appellant along with other accused with a common intention and object, attacked the complainant and caused serious injuries and he is required for custodial interrogation.

5. Mr. Kanhiya Soni, Advocate has put in appearance on behalf of the complainant and filed his power of attorney. The same is taken on record. Learned counsel for the complainant opposed the prayer of the appellant by submitting that appellant has actively participated in the commission of offence as he was present with co-accused and was armed with *danda* and caused five injuries to the complainant, out of which, three injuries were inflicted on his head and he is required for custodial interrogation.



6. Heard.

7. Keeping in view the submissions made by learned State counsel as well as learned counsel for the complainant and the manner, in which, the offence is committed i.e. the petitioner being member of unlawful assembly gave beatings to the complainant; there are total five injuries out of which, three are on the head of the complainant i.e. on the vital part of the body; Sections of SC/ST Act are also there in the present FIR and the appellant is required for custodial interrogation, this Court does not find merit in the present appeal. Hence, the appellant is not entitled to the relief of anticipatory bail, 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 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."

8. In view of the above, this Court finds no ground to grant anticipatory bail to the appellant and the present appeal stands dismissed.



9. Nothing observed hereinabove shall be construed as 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.

November 13, 2025
manisha

(SUBHAS MEHLA)
JUDGE

- | | | |
|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |