



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

CRM-M-63157-2025

Date of decision: 11.11.2025

DEEPAK

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. G.S. Salana, Advocate for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana.

SUBHAS MEHLA, J. (ORAL)

1. Present petition is filed under Section 482 BNSS, 2023 seeking anticipatory bail to the petitioner in a case bearing FIR No.346 dated 29.09.2025 under Sections 121(1), 121(2), 132, 190, 191(3), 221, 324(4), 351(2) of Bharatiya Nyaya Sanhita, 2023 registered at Police Station Ambala Cantt.

2. Brief facts of the prosecution case are that complainant Mohit Sharma son of Ashok Sharma made a complaint to the effect that on 27.09.2025 at about 1.30 P.M., when he along with Sajjad and Amit Kumar was present on his duty in Radiology Department, Amit Security Guard illegally entered in the X-ray room. When they forbade him from illegally entering the X-ray room, Amit Security Guard became infuriated and did not go outside the X-ray room and obstructed in performance of their duty. An altercation also took place between them but people intervened. When they were going to PMO for complaining against him, Amit Security Guard came armed with *danda* but the persons present over there intervened. Thereafter, PMO called both of them and tried to settle the dispute between them. However, later Amit Security Guard along with 4-5 boys having sticks in their



hand came there and started giving sticks blows upon them and the complainant suffered injuries on his nose. Sajjad suffered injuries on his head and legs. Mobile phone and government X-ray Cassette were also broken in that fight. The assailants also criminally intimidated to kill them. Accordingly, the present FIR was registered against the accused and both of them were arrested.

3. Learned counsel for the petitioner contended that the petitioner is falsely involved in this case; the petitioner was not present at the time of occurrence and has also not been named in the FIR; he has been nominated in the present case on the basis of disclosure statement of co-accused, which is inadmissible in evidence; the main accused, namely, Amit Kumar and Suresh Kumar have already been granted the concession of regular bail by learned Additional Sessions Judge, Ambala vide order dated 17.10.2025 and the petitioner is ready to join investigation. As such, learned counsel prayed for anticipatory bail to the petitioner.

4. Upon advance notice, learned State counsel appeared on behalf of respondent-State and on instructions from ASI Sanjay Kumar, opposed the prayer made by the petitioner by submitting that *mala fide* intention of the petitioner is apparent from the ingredients of the FIR; he was found to be present at the spot and was giving kick blows as per the CCTV footage and custodial interrogation of the petitioner is required.

5. Heard.

6. Keeping in view the submissions made by learned State counsel and the manner, in which, the offence is committed i.e. the offence was committed at a hospital, where the accused came and gave kick and fist blows to the persons employed in Radiology department; he obstructed in

performance of the duty of hospital staff; he was seen in the CCTV footage and is required for custodial interrogation, this Court does not find merit in the present petition. Hence, the petitioner 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.”

7. In view of the above, this Court finds no ground to grant anticipatory bail to the petitioner and the present petition stands dismissed.
8. 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 11, 2025
manisha

(SUBHAS MEHLA)
JUDGE

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