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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-3914 of 2026
Date of Decision: 17.02.2026

Jagsir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Manpreet Singh Rai, Advocate
for the petitioner.

Mr. Amit Shukla, DAG, Punjab.

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.88 dated 22.08.2025 registered under Sections 118(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (Section 118(2) of the BNS added later on vide DDR No.15 dated 07.10.2025), at Police Station Smalsar, District Moga.

2. Brief facts as per the prosecution case are that the petitioner along with other co-accused, armed with deadly weapons, attacked the complainant and caused injuries to him.

3. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the present case. He argued that the alleged occurrence took place on 12.08.2025 but the FIR in question was registered

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on 22.08.2025 i.e. after an unexplained delay of 10 days, casting serious doubt on the prosecution story. He further argued that only one injury with spade has been attributed to the present petitioner and no other injury is attributed to him. He further argued that Section 118(2) of BNS has been added, vide DDR No.15 dated 07.10.2025, only to make the offence graver. Moreover, the petitioner has clean antecedents as he is not involved in any other case. Learned counsel has further submitted that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Moga, vide order dated 15.11.2025.

5. On the other hand, learned State counsel has opposed the prayer for grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature. He argued that the petitioner has been specifically named in the FIR. He further argued that the petitioner along with other co-accused had formed an unlawful assembly, armed with deadly weapons, attacked the complainant and caused serious injuries to him. He further argued that it was the petitioner who had inflicted injury on the head of the complainant, which has been declared grievous in nature and offence under Section 118(2) of the BNS has been specifically attributed to the present petitioner. He further submits that the custodial interrogation of the petitioner is required for fair and proper investigation in the matter, to

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recover the weapon of offence and identification and arrest of co-accused.

Hence, he prays for dismissal of the petition.

6. Heard.

7. In the present case, the petitioner is specifically named in the FIR and the allegations against him are serious in nature. He is alleged to have inflicted grievous injuries upon the complainant and offence under Section 118(2) of BNS has been specifically attributed to him. The weapon of offence is yet to be recovered. This Court is sanguine of the fact that while considering the petition for anticipatory bail, it is required to consider the overall nature of offence and accusation against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection, at this stage. Granting anticipatory bail with such allegations, at this preliminary stage, would not be justified as it may affect the course of fair investigation and undermine the seriousness of the alleged act. Considering the gravity of the allegations, the custodial interrogation of the petitioner is necessary for effective investigation in the matter.

8. 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 wider impact of such alleged iniquities on the society. It would be apposite to refer herein judgment of the 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



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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."

9. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Thus, the present petition being devoid of merits is hereby dismissed.

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

(RUPINDERJIT CHAHAL)
JUDGE

17.02.2026
D.Bansal

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