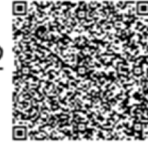


**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

2026:PHHC:061522



205

**CRM-M-8017-2026 (O&M)
Date of decision: 22.04.2026**

Ansar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Soeb Khan, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. D. S. Matya, Advocate
for the complainant.

MANISHA BATRA, J (ORAL):-

1. The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 03 dated 02.01.2025 registered under Sections 191(2), 191(3), 190, 110, 115(2), 126, 351(2), 324(4) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (offence under Section 117(2) added later on) at Police Station City Sohna, District Gurugram.

2. The aforementioned FIR has been registered on the basis of the

statement recorded by the complainant Shabir alleging therein that on 31.12.2024, he along with his cousins was going towards his village on a motorbike and while on the way, he was intercepted by the occupants of Wagon-R car. Accused Shahrukh, Nasir and the present petitioner. A Scorpio vehicle, driven by co-accused Mushtak and occupied by other co-accused, had also reached there in the meanwhile. The petitioner along with the co-accused had opened an assault upon the complainant and caused injuries to him with sticks, rods and iron pipes. His cousins were also given injuries by them. Accused Shahrukh fired a shot with a country made pistol upon the complainant, who had a narrow escape. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail, which was dismissed by the Court of learned Additional Sessions Judge, Gurugram vide order dated 04.02.2026.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The ingredients for commission of offence punishable under Section 110 of BNS are not at all attracted against him. There is delay of two days in reporting the matter to the police, which has not been satisfactorily explained. No specific overt act has been attributed to him. The allegations of using firearm are upon co-accused Shahrukh and not upon him. The injuries sustained by the victims might have been opined to be grievous in nature but the offence under Section 117(2) of BNS is bailable in nature. The only offence which is non-bailable in nature is offence under Section 110 of BNS, which is not attracted qua the petitioner. No notice under Section 35(3) of BNSS was issued to him. His custodial interrogation is not

required. He is ready to join the investigation. No recovery is to be effected from him. Co-accused Nasir has been extended benefit of regular bail. His case is on parity with him. Therefore, it is urged that he deserves to be extended benefit of pre-arrest bail.

4. Per contra, learned State counsel, assisted by learned counsel for the complainant, has vehemently argued that the allegations levelled against the petitioner are serious in nature, as by forming membership of an unlawful assembly with the co-accused, he had opened an attack upon the complainant and his companions. The complainant had sustained seven grievous injuries in the form of multiple fractures apart from simple injuries. His companions had also sustained injuries. Custodial interrogation of the petitioner is required for proper investigation of the matter by the police. No extra ordinary or sparing circumstance has even otherwise been made out for the purpose of extending benefit of bail to the petitioner. Therefore, it is urged that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions.

6. The petitioner by forming membership of an unlawful assembly and in pursuance of common object thereof, is alleged to have opened an assault upon the complainant and his companions and caused injuries to them. Copy of inpatient discharge summary of the complainant has been placed on record, which shows that he had sustained multiple fractures apart from other injuries. It has been specifically alleged that all the assailants including the petitioner had assaulted the victims. Therefore, it cannot be stated that the petitioner did not participate in the occurrence. The delay in lodging of the

FIR appears to be on account of the fact that the complainant was not fit to record statement. The custodial interrogation of the petitioner is required for eliciting the truth about the manner of committing subject offences as well as for conducting thorough investigation in the matter. It is well settled that custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. Many useful information can be disinterred during custodial interrogation. Moreso, no exceptional or extra ordinary circumstance warranting exercise of powers for grant of pre-arrest bail is made out in this case. The case is at its nascent stage. For conducting thorough investigation in the matter, custodial interrogation of the petitioner is required. Keeping in view the facts as enumerated above, I am of the considered opinion that he does not deserve to be extended benefit of pre-arrest bail. Accordingly, the petition stands dismissed.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

22.04.2026

Waseem R. Ansari

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No