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2026:PHHC:049374



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IN THE HIGH COURT OF PUNJAB AND HARYANAAT CHANDIGARH

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Sunil Kumar

....Petitioner

versus

State of Haryana

....Respondent

Date of Decision: March 30, 2026

Date of Uploading: 01.04.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Ranjit Singh Kalra, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

Mr. Sankalp Gehlawat, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of anticipatory bail to the petitioner, in case bearing FIR No.35 dated 28.01.2026, registered for the offences punishable under Sections 333, 331(8), 3(5), 117(2), 115(2) of the BNS, 2023, at Police Station City Narnaul, District Narnaul.

2. The gravamen of the FIR in question is that the complainant, namely, Satish Kumar, stated that on 28.01.2026, he was proceeding from his house towards his plot. Upon reaching the said plot, he found his neighbor – Karambir, present there along with other persons, all of whom were armed with

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axes, *lathis*, and *dandas*. It is alleged that they collectively assaulted the complainant in a brutal manner.

3. Learned counsel for the petitioner has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioner are concocted, improbable and devoid of any merit. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that there are material contradictions between the ocular version and medical evidence, as the complainant sustained five injuries, which, as per medical evidence, are blunt in nature. Learned counsel has argued that the petitioner was not named in the FIR and no specific role has been attributed to him. Learned counsel has further argued that

3.1. Learned counsel has submitted that vide order dated 13.02.2026, the petitioner has also been accorded concession of interim bail by this Court.

3.2. Learned counsel has asserted that the police have not conducted a fair and impartial investigation and the inquiry conducted so far is not only incomplete, but also tainted with bias. Learned counsel has further asserted that nothing is to be recovered from the petitioner. Moreover, the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. On the aforesaid submissions, the grant of anticipatory bail is entreated for.

4. Learned State counsel has filed reply by way of an affidavit dated 23.03.2026, in the Court, which is taken on record. Raising submissions in tandem with the said reply, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. Learned State counsel has iterated that there are

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specific and direct allegations against the petitioner. The relevant of the said reply reads as under:

“9. That the petitioner has committed a serious offence as he alongwith co-accused Karamveer entered the plot of the complainant/injured Satish Kumar armed with axe and wooden danda and collectively assaulted him and caused multiple (5) injuries. As per opinion of the concerned doctor, injuries no.1 to 4 are grievous and injury no.5 is simple in nature and collectively all the injuries mentioned in the MR are dangerous to life. So, in view of the seriousness and gravity of the offences, the petitioner is not entitled to get anticipatory bail merely on the ground of false implication.”

On these submissions, dismissal of the present petition is entreated for.

4.1. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail to the petitioner by arguing that there are serious allegations against the petitioner. Learned counsel has argued that the petitioner along with his co-accused has given serious injuries to the injured. Learned counsel has further argued that, in case, the petitioner is granted concession of anticipatory bail, there is all likelihood that he may abscond from the process of justice as also interfere/ intimidate the prosecution evidence/ witnesses. Thus, dismissal of the petition in hand is prayed for.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in the case titled as ***Sumitha Pradeep vs. Arun Kumar C.K. and another, 2022(4) RCR (Criminal) 977***, relevant whereof reads as under:

“12. In a case containing such serious allegations, the High Court ought not to have exercised its jurisdiction in granting protection against arrest, as the Investigating Officer deserves freehand to take the investigation to its logical conclusion. It goes without saying that appearance before the

Investigating Officer who, has been prevented from subjecting Respondent No.1 to custodial interrogation, can hardly be fruitful to find out the prima facie substance in the allegations, which are of extreme serious in nature.

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16. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

7. As per the case put forth in the FIR in question, the allegations against the petitioner are grave, serious and involve offences of a heinous nature. As per the prosecution case and upon perusal of the reply filed by the State, it is borne out that the petitioner along with co-accused Karamveer, unlawfully entered the plot of the complainant/injured Satish Kumar while armed with an axe and a wooden *danda*, and jointly assaulted him, causing multiple injuries. As per the medical opinion of the concerned doctor, injuries No.1 to 4 have been declared grievous, whereas injury No.5 is simple in nature; however, all the injuries, taken collectively as recorded in the medico-legal report, are opined to be dangerous to life. Co-accused of the petitioner is also yet to be arrested.

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7.1. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR.

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 wide impact of such alleged iniquities on the society. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In *State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039*], the Supreme Court held as under : (SCC p. 189, para 6)

“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 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 offences would not conduct themselves as offenders.”

9. In view of the seriousness of the allegations, the role attributed to the petitioner, this Court finds no compelling ground to extend the benefit of discretionary relief to the petitioner. Moreover, considering the gravity of the offence and the manner in which the petitioner along with his co-accused caused injuries to the injured, there is a strong likelihood that if granted the extraordinary relief of anticipatory bail, the petitioner may influence or intimidate the prosecution witnesses. Granting bail, at this stage, would not only undermine the administration of justice, but may also embolden the accused and pose a threat to the safety and well-being of the victim and other witnesses. The custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby **dismissed**.

10. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

11. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

March 30, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No