



CRM-M-9948 of 2026

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

436

CRM-M-9948 of 2026

Date of Decision: 24.03.2026

Yash alias Yash Loona

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Karandeep Singh, Advocate for the petitioner.

Mr. Vivek Sharma, AAG, 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.167 dated 26.11.2025 registered under Sections 115(2), 118(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, at Police Station City-2 Abohar, District Fazilka.

2. Brief facts as per the case of the prosecution are that the petitioner along with co-accused caused injuries to the complainant, because he had teased a girl related to the petitioner.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He argued that the alleged occurrence took place on 06.11.2025 but the FIR in question was registered on 26.11.2025 i.e. after an unexplained delay of 20 days, casting serious doubt on the prosecution story. He argued that even if the prosecution version is believed to be true, then also no injury attributed to the present petitioner is stated to be grievous in nature. He further argued that Section 118(1) of BNS has been added by the prosecution, only to make the offence graver. Further, co-accused

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Haspreet Singh has already been granted the concession of anticipatory bail by this Court, vide order dated 13.02.2026. Moreover, the petitioner has clean antecedents as he is not involved in any other case and nothing is to be recovered from him. 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, Fazilka, vide order dated 16.02.2026.

5. On the other hand, learned State counsel has already filed the status report and while referring to the same, he 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 co-accused, armed with deadly weapons, attacked the complainant and caused serious injuries to him. He submitted that the petitioner is not at parity with co-accused Haspreet Singh as he had not given any injury with any weapon, whereas, injuries No.1, 3 and 5 with iron rod have 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 and to recover the weapon of offence. 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 specific and serious in nature. He is alleged to have inflicted serious injuries upon the complainant due to



previous enmity and specific injury with iron rod are exclusively attributed to the present petitioner. 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 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

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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

24.03.2026
D.Bansal

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