

2026:PHHC:040603



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CRM-M-10982-2026

Prince Kaushal
....Petitioner
versus
State of Punjab
....Respondent

Date of Decision: March 16, 2026
Date of Uploading: March 16, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Arnav Sood, Advocate for the petitioner.
Mr. Hemant Aggarwal, DAG Punjab.

SUMEET GOEL, J. (Oral)

Present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as ‘the BNSS’)/
Section 438 of Cr. P.C., for grant of pre-arrest/anticipatory bail to the
petitioner, in case bearing FIR No.0159 dated 08.10.2025, registered for the
offences punishable under Sections 336, 324(4), 3(5) of the BNS, 2023
(erstwhile Sections 463, 427, 34 of IPC) and Sections 25-54-59 of the Arms
Act, 1959 [Sections 125, 249, 253, 61(2), 191(3), 190, 308, 238 of BNS
(erstwhile Sections 336, 212, 216, 120-B, 148, 149, 383, 201 of IPC) and
Sections 27-54-59 of the Arms Act, added later on), at Police Station
Garhshankar, District Hoshiarpur.

2. The gravamen of the allegations against the petitioner is that the
complainant – Dara Ram stated that on 08.10.2025 at about 8:30 P.M., three
persons came on a motorcycle from the side of Shri Anandpur Sahib Road and

stopped their motorcycle in front of his shop. Thereafter, the person who was sitting on the rear seat of the motorcycle, having his face muffled, got down from the motorcycle and fired two shots from his weapon, which struck the front glass of the shop, causing it to break. After firing the shots, the said persons fled from the spot on the same motorcycle towards the Garhshankar side.

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 further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that the petitioner has not been named in the FIR. Learned counsel has argued that the petitioner has been nominated in this case on the basis of disclosure of co-accused, namely, Simranpreet Singh @ Simmu and that too after a delay of 20 days from the date of occurrence, which is not tenable in law. Learned counsel has argued that assuming *arguendo*, the prosecution version is taken to be correct, in the disclosure of the co-accused, the petitioner has been ascribed the role of doing *recce* and providing motorcycle used in the alleged occurrence.

3.1. Learned counsel has also argued that co-accused of the petitioner, namely, Gurpreet Singh @ Billa has been afforded concession of interim anticipatory bail, vide order dated 11.02.2026, passed by the co-ordinate Bench of this Court, in CRM-M-68440-2025.

3.2. Learned counsel asserts 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 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. Furthermore, the petitioner is ready to join the investigation and, hence, no useful purpose would be served by sending him behind the bars. On the aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, 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 serious allegations against the petitioner and his co-accused. Given the severity of the offence, there exists a substantial likelihood that the petitioner may abscond or tamper with the evidence, if he is enlarged on bail. Learned State counsel has iterated that the custodial interrogation of the petitioner is imperative for the purpose of effective and fair investigation and to unearth the case of the prosecution. On these submissions, dismissal of the present petition is entreated for.

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

6. As per the case put forth in the FIR in question, indubitably, grave and serious allegations have been levelled against the petitioner. As per the version put forth by the prosecution, three persons came on a motorcycle and one of them, having his face muffled, got down and fired two shots from a firearm towards the shop of the complainant, which hit the front glass of the shop and shattered the same. The manner in which the occurrence has taken place *prima facie* indicates a deliberate act intended to create fear and intimidation. The use of a firearm in a public place further aggravates the seriousness of the offence and poses a threat to public safety.

6.1. The co-accused, namely Gurpreet Singh @ Billa (who has been afforded concession of interim anticipatory bail by this Court, vide order dated

11.02.2026) has been ascribed the role of harboring the accused, whereas, the present petitioner is accused of *recce* as well. The petitioner (*herein*) and the aforesaid co-accused are not at parity; hence, the aforesaid protection order cannot be of any help to the petitioner.

7. 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.”

8.1. In view of the seriousness of the allegations, this Court finds no compelling ground to extend the benefit of discretionary relief to the petitioner. 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. Further, keeping in view the necessity of custodial interrogation for a fair and thorough investigation, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual matrix of the case in hand. Moreover, 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.

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

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

(SUMEET GOEL)
JUDGE

March 16, 2026

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No