



CRM-M-11917-2026

1

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

129

CRM-M-11917-2026

Rajiv Kumar

....Petitioner

V/s

State of Punjab

....Respondent

Date of decision: 05.03.2026**Date of Uploading : 05.03.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. A.S. Khosa, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Sections 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'BNSS') in FIR No.152 dated 20.06.2020 registered for offences punishable under Sections 323 (115(2) BNS Act), 324 (118(1) BNS Act), 34 (3(5) BNS Act), of IPC and (Section 326 IPC (118(2) BNS Act) added later on) at Police Station Model Town District Hoshiarpur.

2. As per the prosecution case, the present FIR has been registered on the statement of complainant namely Balwinder Lal, who alleged that on 26.04.2020 at about 09:30 PM, the petitioner, armed with a kirpan, alongwith two unknown persons armed with the handle of a spade, assaulted the complainant. It has been alleged that the petitioner had

allegedly inflicted a *kirpan* blow on the left arm of the complainant while

**CRM-M-11917-2026****2**

the co-accused had caused injuries on the back and private part of the complainant. On raising the alarm, all the assailants fled from the scene of occurrence. On these set of allegations, the instant FIR was registered and investigation ensued. Initially, the offences under Sections 323 and 324 IPC were invoked. However, during investigation, Section 326 IPC was added on 01.06.2021 on the basis of the medical opinion.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question and has not caused any injury to the complainant. Learned counsel has further iterated that the FIR has been registered after a delay of about 02 months from the date of the alleged occurrence and no plausible explanation has been furnished for such delay which creates serious doubt regarding the veracity of the prosecution version. It has been further submitted that in the initial statement made by the complainant before the Investigating Officer on 27.04.2020 and again on 18.05.2020, the petitioner has not been named and later on, his nomination in the FIR is the result of an afterthought in order to harass him. Learned counsel has emphasized that the injury attributed to the petitioner is stated to be on the left arm below the elbow, which is a non-vital part of the body and hence the addition of offence under Section 326 IPC at a later stage is wholly unjustified. It has been further contended that the petitioner has gone to UAE on 16.12.2020 in connection with his livelihood and has no knowledge about the registration of the FIR in question or subsequent proceedings and only after his return to India on 14.12.2025, the petitioner came to know about the instant case.



CRM-M-11917-2026

3

regarding the FIR and was declared a proclaimed offender in his absence without his knowledge. Learned counsel has further asserted that the petitioner has clean antecedents and is not involved in any other criminal case. In the factual *milieu* of the case in hand, the custodial interrogation is neither warranted nor justified and hence no useful purpose would be served by sending him behind the bars. On the basis of the aforementioned submissions, the grant of the petition in hand is entreated for.

4. *Per contra*, learned State counsel (on the strength of advance notice) has opposed the grant of anticipatory bail to the petitioner by arguing that the petitioner has been specifically named in the FIR and has been attributed an active role in the occurrence. Learned State counsel has iterated that the petitioner was armed with a *kirpan* and inflicted a blow on the left arm of the complainant and the medical evidence subsequently opined the injury to be grievous in nature whereupon Section 326 IPC was added during the course of investigation. According to learned State counsel, the nature of weapon used and the manner of assault clearly reflect the intention and participation of the petitioner in the commission of the offence. Learned State counsel has emphasized that the petitioner has not joined the investigation at any stage and deliberately evaded the process of law. Despite the issuance of warrants and initiation of proceedings under Cr.P.C., the petitioner has failed to appear before the investigating agency or the Court and was ultimately declared a proclaimed offender vide order dated 25.04.2022. It has been further contended that the custodial interrogation of the petitioner is necessary for the recovery of the weapon



CRM-M-11917-2026

4

accused persons. On the strength of these submissions, the 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. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The prosecution version, in essence, is that on the alleged day of occurrence, the petitioner, who was armed with a *kirpan*, alongwith two unknown persons, caused injuries to the complainant. The petitioner has been attributed a specific role of giving a *kirpan* blow on the left arm of the complainant. Initially, offences under Sections 323 and 324 IPC were invoked and during the course of investigation, on the basis of medical opinion, Section 326 IPC was added on 01.06.2021. A perusal of the record further reflects that the petitioner has not joined the investigation at any point of time and non-bailable warrants were issued against him. He was ultimately declared a proclaimed offender vide order dated 25.04.2022. The instant petition has been filed after the petitioner allegedly returned to India in December 2025. There is, thus, *hiatus* of more than 5½ years between the registration of the FIR in question and the petitioner's approaching this Court for grant of anticipatory bail. The explanation furnished by the petitioner that he was residing abroad does not inspire confidence particularly when he has not made any effort to approach the investigating agency or Court during this entire period. The conduct of the petitioner, thus, reflects a deliberate attempt to evade the process of law. At this stage, the petitioner has been



under Section 326 IPC has been added on the basis of the medical evidence. It is settled law that while considering the plea for anticipatory bail, the Court must strike a balance between the right of the individual to liberty and the need for free, fair and effective investigation.

7. The plea of false implication raised by the petitioner is a disputed question of fact and involves appreciation of evidence, which cannot be adjudicated upon at this stage. The same can only be adjudicated upon the conclusion of the investigation or during the course of trial. In the considered opinion of this Court, the grant of anticipatory bail at this stage may likely to hamper the on-going investigation. No cause *may* 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. Furthermore, the Court below has already declined the plea of the petitioner after considering the relevant factors, including the manner in which the name of the petitioner surfaced during investigation and the fact that the petitioner has remained absence from the Court for more than 05½ years. 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 interests. 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. 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



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 Hon'ble 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 task of disinterring offences would not conduct themselves as offenders.”

8. The stand of the investigating agency before this Court is that the custodial interrogation of the petitioner is necessary for recovery of the weapon and for ascertaining the identity of co-accused. Considering the nature and seriousness of the allegations and the specific role attributed to the petitioner, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand.

9. In view of the prevenient ratiocination, it is ordained thus:

- (i) The instant petition is devoid of merits and is hereby dismissed.
- (ii) Nothing said hereinabove shall be deemed to be an expression



CRM-M-11917-2026

7

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

(SUMEET GOEL)
JUDGE

March 05, 2026
Ajay

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