

CRM-M-12096-2026

2026:PHHC:034359



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IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

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Shashi Kant Dwivedi

....Petitioner

versus

State of Haryana

....Respondent

Date of Decision: March 06, 2026

Date of Uploading: March 06, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Gaurav Vir Singh Behl, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of anticipatory bail to the petitioner, in case bearing FIR No.164 dated 15.08.2025, registered for the offences punishable under Sections 103(1) of BNS (erstwhile Section 302 IPC) and 3(5) of the BNS (erstwhile Section 34 IPC), at Police Station Sector 17/18, District Gurugram.

2. The gravamen of allegations against the petitioner is that Aman Tiwari, Akhilesh and Shashikant (*petitioner herein*) had forcibly shaved half of Manjeet Kumar's head (deceased/brother of the complainant), which caused him great fear, as a result of which he ran to the roof to save his life.

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The said persons followed him to the roof and, in furtherance of their common intention, pushed Manjeet Kumar from behind, causing him to fall from the roof and resulting in his death.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that the petitioner has been attributed the role of borrowing machine for shaving head of the deceased. Learned counsel has argued that the petitioner is neither owner of the phone in question nor was any injury attributed to him. Learned counsel has further argued that no offence under Section 103(1) of BNS is made out against the petitioner since, as per prosecution case itself, no motive has been attributed to the petitioner for committing murder of the deceased. Learned counsel has iterated that the petitioner has been falsely implicated only on account of him being acquaintance of main accused, namely, Aman Tiwari. Learned counsel has further argued that the prosecution witnesses, namely, PW1-Manish Kumar (complainant/brother of the deceased), PW2-Arun Kant and PW3-Chunni Lal (father of the deceased) have turned hostile.

3.1. Learned counsel has argued that nothing is to be recovered from the petitioner. Learned counsel has further iterated that the petitioner is ready and willing to join investigation, and no purpose would be served by keeping the petitioner behind bars. On the basis of the aforementioned submissions, grant of the instant petition is prayed for.

4. On service of advance copy of petition, learned State counsel has caused appearance and opposed the grant of anticipatory bail to the

petitioner by arguing that allegations raised against the petitioner are serious in nature. Learned State counsel has further submitted that, investigation, in the present case, is still under way and the petitioner is yet to be arrested. In case, the petitioner is released on anticipatory bail, there is all likelihood that he may interfere with the prosecution evidence/ witnesses. Given these circumstances, custodial interrogation of the petitioner is indispensable. It is therefore, submitted that the present petition is devoid of merit and is liable to be dismissed.

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

6. As per prosecution case and upon perusal of the impugned order, it is borne out that serious and specific allegations have been levelled against the petitioner. The petitioner, along with co-accused, namely, Aman Tiwari and Akhilesh, subjected the deceased Manjeet to grave humiliation by forcibly shaving half of his head and writing the words “*Main chor hoon*” on the shaved portion with a marker pen. *Prima facie*, such degrading acts clearly demonstrate the active involvement of the petitioner and his associates in subjecting the deceased to extreme mental and physical harassment. It is further the case of the prosecution that the petitioner was present along with the co-accused at the time of the incident and was involved in the occurrence which ultimately resulted in the death of Manjeet Kumar. Learned counsel below has rightly observed that whether the deceased was pushed from the roof or jumped under the pressure, fear or instigation caused by the accused persons is a matter that would be

unearthed during the course of investigation. The marker pen used for writing the humiliating words on the head of the deceased is yet to be recovered from the petitioner. Furthermore, the statement of barber – Ramkumar Thakur, recorded during investigation, reveals that the petitioner along with co-accused – Aman Tiwari and Akhilesh had forcibly taken the hair cutting machine from his shop and shaved half of the deceased's head. CCTV footage relating to the incident has also been obtained which shows the deceased entering the house during the night where the accused persons were present.

6.1. The nature of allegations and the role attributed to the petitioner create a reasonable apprehension that, if granted anticipatory bail, the petitioner may influence witnesses or tamper with evidence.

7. Furthermore, the investigation is at a crucial stage, and custodial interrogation of the petitioner is necessary given the seriousness of offence, and to collect further incriminating evidence. In the event of grant of anticipatory bail, there is a strong likelihood that the petitioner may tamper with prosecution evidence, influence or intimidate witnesses, or abscond to evade the due process of law. Considering the seriousness of the offence, the manner in which it was executed, and the role attributed to the petitioner, he does not deserve the extraordinary relief of anticipatory bail.

8. It is befitting to mention here that while considering 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

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the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. A profitable reference in this regard is being made to the dicta passed by the Hon'ble Supreme Court titled as *State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039*, the Supreme Court held as under, relevant whereof reads 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 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.”

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 establish a reasonable basis for his accusation. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation.

9. Accordingly, 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. 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**.

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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 06, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No