

CRM-M-12819-2026

2026:PHHC:036550



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Aditya Handa

....Petitioner

versus

State of Punjab

....Respondent

Date of decision: March 10, 2026

Date of Uploading: March 10, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. L.M. Gulati, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 438 of the Cr. P.C. (Section 482 of the BNSS) seeking grant of anticipatory bail to the petitioner, in case bearing FIR No.0087 dated 22.08.2024, under Sections 132, 221, 304, 303(2), 115(2), 191(3), 190 of the BNS, 2023 (Sections 353, 186, 379, 323, 148, 149 of the IPC), at Police Station Maqboolpura, District Amritsar.

2. The gravamen of allegations against the petitioner is that the petitioner, along with his co-accused, allegedly attacked the police party, caused injuries to two police officials, and snatched the mobile phones of the said officials while they were performing their official duties.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the FIR in question. Learned counsel has further argued that the petitioner is running a hotel and when the police raided the said hotel to apprehend one Karanvir Singh, the police officials started entering the rooms of the guests without following due procedure, to which the petitioner objected. Learned counsel has argued that since the petitioner objected to the conduct of the police officials, he has been falsely roped in the present case out of sheer mala fide and abuse of the process of law. Learned counsel has further argued that the story put forth by the prosecution is wholly concocted and based on bald and unsubstantiated allegations. Learned counsel has reiterated that the petitioner has no role whatsoever in the commission of the alleged offence.

3.1. Learned counsel has further argued that no recovery is to be effected from the petitioner and the custodial interrogation of the petitioner is not required for the purpose of investigation. Learned counsel has further reiterated that the petitioner is ready and willing to join investigation and abide by any conditions that may be imposed by this Court. It has also been contended that the petitioner is a permanent resident and there is no likelihood of his absconding or tampering with the prosecution evidence. Therefore, no purpose would be served by keeping the petitioner in custody. On the basis of the aforementioned submissions, allowing of the present petition and grant of anticipatory bail to the petitioner has been prayed for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the allegations raised against the petitioner are grave and serious in nature. Learned State counsel has argued

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that the petitioner along with his co-accused caused injuries to the police party and also snatched the mobile phones of two police officials. Learned State counsel has further submitted that the investigation in the present case is still at a nascent stage. It has been argued that in case the petitioner is released on anticipatory bail, there is every likelihood that he may influence the witnesses or hamper the course of investigation. Given the nature and gravity of the allegations, custodial interrogation of the petitioner is stated to be necessary for effective investigation of the case. It is, therefore, submitted that the present petition is devoid of merit and deserves 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 the prosecution case, the allegations against the petitioner are grave and serious in nature. It is the case of the prosecution that the petitioner, along with his companions, attacked the police party while they were performing their official duties and caused injuries to two police officials. The petitioner and his associates not only obstructed the police officials in the discharge of their lawful duties, but also resorted to violence and forcibly snatched the mobile phones of the said officials. Such conduct of the petitioner prima facie demonstrates a blatant disregard for the rule of law and the authority of the police officials, and indicates his active participation in the commission of the alleged offences along with his co-accused.

6.1. The present petition seeking grant of anticipatory bail is also liable to be dismissed on account of the unexplained and inordinate delay on the part of the petitioner in approaching this Court. A perusal of the order dated 01.10.2024 passed by the Court below reveals that the learned Court below had

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already declined the concession of anticipatory bail to the petitioner on 01.10.2024. However, the petitioner has chosen to assail the said order before this Court only in March, 2026, after a considerable lapse of time. The petitioner has failed to furnish any plausible explanation for this prolonged hiatus in approaching this Court. Such unexplained delay prima facie indicates that the petitioner has not approached this Court with due diligence and has been evading the process of law. It is further observed that the extraordinary and discretionary relief of anticipatory bail is intended to protect individuals who approach the Court with promptness and bona fide intent. The conduct of the petitioner in remaining silent for such a long period after rejection of his bail application prima facie suggests that he has been deliberately evading arrest and attempting to thwart the course of investigation. Granting anticipatory bail in such circumstances would amount to extending the benefit of discretionary relief to a litigant who has not approached the Court with clean hands and due promptitude. Therefore, in view of the unexplained hiatus of more than a year in filing the present petition and the apparent conduct of the petitioner in avoiding the due process of law, the petitioner does not deserve the concession of anticipatory bail on this ground as well.

6.2. 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.

7. Furthermore, the investigation is still at a crucial and nascent stage, and custodial interrogation of the petitioner is considered necessary for the purpose of unearthing the complete facts of the case and to ascertain the involvement of other persons, if any, connected with the commission of the

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alleged offence. The petitioner is yet to be arrested, and the grant of anticipatory bail, at this stage, may seriously prejudice the ongoing investigation. The apprehension expressed by the prosecution that the petitioner, if released on bail, may abscond or attempt to influence or intimidate the prosecution witnesses, also cannot be said to be unfounded. Given the nature and gravity of the allegations, the stage of investigation, and the possibility of tampering with evidence or obstructing the course of justice, this Court is of the considered view that the petitioner does not deserve the extraordinary concession of anticipatory bail at this stage.

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 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**.

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 10, 2026
mahavir

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