

CRM-M-13673-2026

2026:PHHC:038451



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Sukhwinder Singh

....Petitioner

versus

State of Haryana

....Respondent

Date of decision: March 12, 2026

Date of Uploading: March 12, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Abhishek Walia, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of anticipatory bail to the petitioner, in case bearing FIR No.358 dated 18.11.2025, under Sections 190, 191(3), 115(2), 329(3), 305, 351(2) of the BNS, 2023 (read with Sections 149, 148, 323, 447, 380, 506 of IPC), at Police Station Naraingarh, District Ambala.

2. The gravamen of allegations against the petitioner is that the complainant, namely Atul Basant, stated that he had purchased the land in question vide Sale Deed Nos. 3896 and 3897 dated 25.01.2023 for the purpose of constructing a residential house and a factory, and since then he has been in possession of the said property. He further stated that he has been residing in

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the said house along with his family members. It is alleged that on 13.11.2025 at about 3:00 P.M., the accused persons unlawfully trespassed into the house of the complainant, caused damage to the articles lying therein, and engaged in a scuffle with the complainant. The accused persons are further alleged to have removed a bag containing important documents, jewellery and cash from the house of the complainant. It has also been alleged that the accused persons have no right, title or interest in the house/property in question and their entry into the premises was wholly unauthorized and unlawful. The accused persons are further stated to have assaulted the employees of the complainant who were present at the spot at the time of the alleged occurrence.

3. Learned counsel for the petitioner has contended that a bare perusal of the FIR would reveal that the allegations levelled against the petitioner are wholly concocted, improbable and devoid of any merit. Learned counsel has further submitted that civil litigation is already pending between the petitioner and the complainant with regard to the land in question, and the present criminal proceedings have been initiated only with an oblique motive to pressurize the petitioner in the said civil dispute. Learned counsel has further argued that the petitioner is a senior citizen aged about 61 years and has been falsely implicated in the present FIR. It has been further contended that the petitioner has no role to play in the alleged occurrence and has been unnecessarily dragged into the criminal proceedings.

3.1. Learned counsel has further contended that the police have not conducted a fair, proper and impartial investigation, and the inquiry conducted so far appears to be not only incomplete but also tainted with bias. Learned counsel has further submitted that no recovery is to be effected from the

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petitioner, and therefore his custodial interrogation is not warranted. It has been further argued that custodial interrogation cannot be used as a punitive measure and is justified only when it is absolutely necessary for the purpose of effecting recovery or for eliciting material information relevant to the investigation. Learned counsel has also submitted that the petitioner is ready and willing to join the investigation and to cooperate with the investigating agency as and when required. In these circumstances, it is contended that no useful purpose would be served by subjecting the petitioner to arrest or by sending him behind bars. On the strength of the aforesaid submissions, grant of anticipatory bail to the petitioner has been entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that specific and direct allegations have been levelled against the petitioner in the FIR. It has been submitted that the petitioner has been specifically named in the FIR and attributed an active role in the commission of the alleged offence. Learned State counsel has further contended that the petitioner, along with his co-accused, after forming an unlawful assembly and being armed with deadly weapons, forcibly trespassed into the house of the complainant, and thereafter caused injuries to the employees of the complainant and also removed/stole articles from the said house. It has further been argued that considering the nature and gravity of the allegations, there exists a reasonable apprehension that the petitioner, if granted the concession of anticipatory bail, may abscond or tamper with the prosecution evidence. Learned State counsel has also submitted that custodial interrogation of the petitioner is necessary for the purpose of conducting an effective and fair investigation and for unearthing the entire chain of events pertaining to the

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alleged occurrence. On the strength of the aforesaid submissions, learned State counsel has prayed that the present petition, being devoid of merit, 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, and upon a perusal of the record as well as the order passed by the Court below, it prima facie emerges that serious allegations have been levelled against the present petitioner. It is further borne out that the petitioner, along with the other co-accused, formed an unlawful assembly and, being armed with deadly weapons, and forcibly trespassed into the house of the complainant. The petitioner and the co-accused persons not only caused damage to the property but also allegedly committed theft of a bag containing important documents, jewellery and cash from the house of the complainant. It has further been alleged that the petitioner, in furtherance of the common object of the unlawful assembly, also caused injuries to the employees of the complainant who were present at the spot. The name of the present petitioner has been specifically mentioned in the complaint/FIR, which prima facie indicates his active participation in the alleged occurrence. The nature and gravity of the accusations, the manner in which the alleged offence was carried out, and the involvement of multiple accused persons forming an unlawful assembly and being armed with deadly weapons, prima facie reflect a concerted and premeditated act, which at this stage disentitles the petitioner from the discretionary relief of anticipatory bail. It is also pertinent to observe that the investigation in the present case is still underway and the role of each of the accused persons is yet to be thoroughly ascertained by the investigating agency.

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At this stage, the custodial interrogation of the petitioner may be necessary to effectively investigate the allegations and to recover the articles allegedly taken from the house of the complainant. Grant of anticipatory bail at this juncture may hamper the course of investigation and may also impede the efforts of the investigating agency to unearth the complete facts of the case

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. Keeping in view of the gravity of the allegations; the role attributed to the petitioner and his co-accused of having entered forcibly, along with deadly weapons, into the house of the complainant, causing injuries to employees of the complainant and making theft of certain articles, and 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 12, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No