



**In the High Court for the States of Punjab and Haryana at
Chandigarh**

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CRM-M-13069-2026 (O&M)
Date of Decision:- 11.03.2026

Sushil @ Fauji ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Yashveer Kharb, Advocate for the petitioner.

SUBHAS MEHLA, J. (Oral)

1. The instant petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, has been filed for grant of anticipatory bail to the petitioner in case FIR No.46 dated 16.02.2024, registered under Sections 115(2), 117(2), 351(3) and 3(5) of Bharatiya Nyaya Sanhita, 2023 [Section 118(2) of BNS, 2023 added later on], at Police Station Tehsil Camp, Panipat.
2. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case, as nothing is to be recovered from him and no specific role has been attributed to him with regard to causing the alleged injuries. It is submitted that the petitioner is ready and willing to join the investigation and is not required for any recovery or further investigation. Learned counsel also submitted that no specific allegations have been levelled against the petitioner in the FIR and his name has initially



been mentioned as Balwan @ Fauji. Accordingly, learned counsel prayed for the acceptance of the present petition.

3. Notice of motion.

4. Mr. Karan Veer Singh, Sr. DAG, Haryana, accepted notice on behalf of respondent-State.

5. Mr. Satyam Aneja, Advocate has put in appearance on behalf of the complainant and has filed *Vakalatnama*, which is taken on record.

6. Learned counsel for the complainant opposed the submissions made by learned counsel for the petitioner by submitting that the petitioner, along with the co-accused, had pre-planned the attack on the complainant on account of a dispute regarding the gym membership, which had expired about 15-20 days earlier. Complainant was the owner of the said gym and refused to renew membership of petitioner on account of his unacceptable conduct. It is further submitted that due to the same, the petitioner had also been extending threats publicly on 'Instagram'. The main dispute between the petitioner and the complainant, as alleged, is that on the day of occurrence, the petitioner was armed with a 'Gandasi' and inflicted a blow upon the complainant. The complainant is still undergoing treatment for the injuries sustained in the incident.

7. Learned State counsel opposed the submissions made by learned counsel for the petitioner and submitted that the petitioner, along with the co-accused, caused injuries to the complainant. It is further submitted that the complainant sustained three injuries caused by a sharp edged weapon. Learned State counsel also contended that the petitioner is involved in one



more case. He further submitted that the petitioner is required for custodial interrogation to collect evidence for the successful prosecution of the case and for the recovery of the weapon of offence.

8. Heard.

9. Keeping in view the facts of the present case and the contentions raised by learned counsel for the parties, particularly the allegations that the petitioner was armed with a 'Gandasi' and inflicted a blow upon the complainant causing three injuries with a sharp-edged weapon, and further considering that the petitioner has criminal antecedents and is involved in one more case, this Court is of the view that the petitioner does not deserve the concession of anticipatory bail, and custodial interrogation of the petitioner is necessary to collect evidence for the successful prosecution of the case and for the recovery of the weapon of offence. Accordingly, this Court finds no merit in the present petition.

10. While granting the relief of anticipatory bail, the Court is required to look beyond the offence in isolation and take into account the surrounding circumstances, including the impact of the crime on society, the likely effect of the grant of anticipatory bail on the societal interest, and the possibility of the accused indulging in similar illegal activities or otherwise impeding a fair investigation or the progress of the trial.

11. Anticipatory bail is an extraordinary relief, to be granted sparingly, only in exceptional cases deserving of the concession. The grant of such relief becomes even more circumscribed in cases involving serious offences as those alleged in the present case, especially where there is a grave



apprehension or propensity of the applicant/petitioner to interfere with the course of law and prosecution of the case, either by committing similar offences, or threatening or influencing the witnesses. One of the cardinal principles in the administration of justice is, '*justice should not only be done, but also seem to be done*'; accordingly, release of the petitioner is in the present case is not warranted considering the peculiar facts of the case. Recently, Hon'ble Apex Court in ***Srikant Upadhyay v. State of Bihar, 2024 INSC 202***, has made the following observation with regard to concession of Anticipatory Bail:-

“We have already held that the power to grant anticipatory bail is an extraordinary power. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule.... While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence.”

12. Moreover, as the investigation is still on-going, custodial interrogation of the present petitioner is necessary for effecting a proper and in-depth investigation in the case. Hon'ble Apex Court in ***State Represented by the C.B.I. v. Anil Sharma, 1997(7) SCC 187***, emphasized the importance of custodial interrogation by holding that useful information and concealed materials may be elicited from a suspect in custody, than a suspect who is well-protected by anticipatory bail, wherein interrogation may be reduced to a mere ritual.



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13. In view of the above, this Court finds no ground to grant anticipatory bail to the petitioner and the present petition stands dismissed.
14. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court on the merits of the case.

11.03.2026
Geeta

(SUBHAS MEHLA)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No