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

CRM-M-13075-2026

Krishan Lal

....Petitioner

versus

State of Haryana and others

....Respondent

Date of Decision: March 27, 2026**Date of Uploading: March 27, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Mr. Rahul Singh, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUMEET GOEL, J. (Oral)

Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner, in case bearing FIR No.393 dated 23.06.2023 registered under Sections 148, 149, 201, 308, 323 and 506 IPC at Police Station Shahabad, District Kurukshetra.

2. The gravamen of the FIR in question reflects that on 22.06.2023 an information was received regarding injuries sustained by Arvinderjit Singh and Harmanjeet Singh, who were referred from CHC Shahabad to Civil Hospital, Ambala. On 23.06.2023, the police recorded the statement of injured Arvinderjit Singh after he was declared fit. In his statement, the complainant stated that he owned agricultural land at Shahabad Markanda, where he had planted poplar trees and leased a portion. On 18.06.2023, an

earlier altercation took place between him and co-accused Gaganjot Singh, who, while driving a tractor rashly, caused damage and subsequently threatened him. On 22.06.2023 at about 4:15 PM, while the complainant alongwith his servant Dharamender and cousin Harmanjeet Singh were present near their fields, a dispute arose over passage for a combine harvester. Thereafter, Gaganjot Singh, along with the combine owner and others, returned armed with weapons. Acting in concert and at the instigation of Gaganjot, the accused persons assaulted the complainant with an iron rod and other weapons, causing injuries. Harmanjeet Singh was also similarly attacked. During the incident, the accused allegedly snatched a gold chain and locket from the complainant. They also threatened Dharamender, who had attempted to record the incident on his mobile phone. The complainant alleged that the attack was premeditated, arising out of prior enmity, and carried out in furtherance of a criminal conspiracy, resulting in multiple injuries to him and his cousin. Upon these set of allegations, the present FIR came to be registered against the accused persons.

3. Learned counsel for the petitioner has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioner are concocted, improbable and devoid of any merit. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has contended that the petitioner was not named in the FIR and his involvement has surfaced only during the course of investigation on the basis of disclosure statements of co-accused. He has further argued that no specific role, overt act or injury has been attributed to him. Learned counsel appearing for the petitioner has further argued that the sentence awarded to the co-accused already stands suspended by this Court and that the petitioner is similarly situated and entitled for

grant of anticipatory bail on the ground of parity with other co-accused who have been granted bail.

3.1. Learned counsel asserts that the police have not conducted a fair and impartial investigation and the inquiry conducted so far is not only incomplete, but also tainted with bias. Learned counsel has asserted that nothing is to be recovered from the petitioner. Moreover, the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Furthermore, the petitioner is ready to join the investigation and, hence, no useful purpose would be served by sending him behind the bars. On the aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioners by arguing that the offence committed by the petitioners is serious in nature. Learned State counsel has iterated that there are specific and direct allegations against the petitioner. Learned State counsel has further submitted that the petitioner the petitioner is specifically alleged to be a member of the unlawful assembly. Learned State counsel has further argued that the petitioner has remained absconding since the registration of the FIR and has not joined the investigation. Learned State counsel has further argued that the investigation qua the petitioner is still pending and his custodial interrogation is necessary. Given the severity of the offence, there exists a substantial likelihood that the petitioner may abscond or tamper with the evidence, if he is enlarged on bail. Learned State counsel has iterated that the custodial interrogation of the petitioner is imperative for the purpose of effective and fair investigation and to unearth the case of the prosecution. On these submissions, dismissal of the present petition is entreated 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, grave and serious allegations have been levelled against the petitioner. As per the version put forth by the prosecution, it *prima facie* emerges that the petitioner and other accused persons formed unlawful assembly and were armed with deadly weapons, resulting in injuries to the complainant side. It is also not in dispute that the petitioner has not joined investigation since registration of the FIR. Moreover, the investigation qua the petitioner is stated to be incomplete. The plea of parity is also misconceived inasmuch as the co-accused have joined investigation & faced trial and case of the petitioner stands on a different footing.

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. 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. 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* [*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. In view of the seriousness of the allegations, this Court finds no compelling ground to extend the benefit of discretionary relief to the petitioner. 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 27, 2026
Naveen

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No