

2026:PHHC:048676



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13429-2026

Sanjay

....Petitioner

versus

State of Haryana

....Respondent

Date of Decision: March 27, 2026
Date of Uploading: March 30, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Deepender Singh, Senior Advocate with
Mr. Meyank Sarpal, Advocate and
Mr. Veer Singh, Advocate for the petitioner.

Ms. Priyanka Sadar Thakur, Senior DAG Haryana.

Ms. Kashish, Advocate and
Ms. Aakriti Mittal, Advocate for the complainant.

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')
(earlier Section 438 of the Cr. P.C.) for grant of anticipatory bail to the
petitioner, in case bearing FIR No.211 dated 05.04.2025, registered for the
offences punishable under Sections 109(1), 115, 190, 191(2), 333 of BNS
(Section 117(2) of BNS added later on), at Police Station HTM Hisar,
District Hisar.

2. The gravamen of the allegations against the petitioner is that
complainant, namely, Bablu, alleged that on 03.04.2025, Surrender, hatched a

criminal conspiracy at his residence. At about 3:00 PM on the same day, six boys, armed with sticks and iron rods, arrived in two vehicles—one being a Scorpio bearing registration No.HR 51BK-3600 and the other a small white-colored vehicle. They attacked Rajesh Kumar (father of the complainant), with the intention to kill him while his father was present at his shop near the Community Centre, Mahavir Colony, Hisar. The complainant identified four of the assailants as Rohit, Ankur alias Santi, Rattan, and Harish. He stated that he does not know the names and addresses of the remaining two individuals. All the accused allegedly had assaulted father of the complainant with sticks and rods, causing multiple injuries, as a result of which his father fell on the road. Subsequently, Pawan (brother of the complainant) and mother (Murthi Devi) got Rajesh Kumar admitted to the Government Hospital, Hisar. The complainant further stated that he came to know about the incident through CCTV footage.

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. Learned counsel has further iterated that the petitioner was not named in the FIR, and the FIR in question was registered after a delay of 36 hours. Learned counsel has argued that the petitioner has been nominated in this case, on the basis of disclosure of co-accused, namely, Pardeep @ Deepu, on 23.08.2025, which is not permissible in law, and even in the said disclosure, no specific overt act has been attributed to the petitioner. Learned counsel has argued that the petitioner is an Indian Army official and during his leave period, he has been falsely implicated just to cause him undue harassment

and agony. Learned counsel has iterated that all the alleged injuries were caused by blunt weapon on non-vital part of the body of the injured. Learned counsel has also argued that co-accused of the petitioner have been granted the concession of regular bail by the trial Court.

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, while raising submissions in tandem with the status report by way of an affidavit dated 20.03.2026, has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. Learned State counsel has iterated that co-accused, namely, Pardeep, in his disclosure, has implicated the petitioner stating that the petitioner had participated in the commission of offence along with other co-accused and inflicted injuries upon the injured with wooden stick/ *danda*. The petitioner had hit injured on his forehead, back and foot. Further, the petitioner was seen in the CCTV footage as one of the assailants, causing injuries to the injured by a wooden stick/ *danda*. 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 prosecution case and upon perusal of the status report filed by the State, it is borne out that serious allegations have been levelled against the petitioner. As per the version put forth by the prosecution, the accused persons, in furtherance of a premeditated criminal conspiracy, formed an unlawful assembly and carried out a brutal and targeted attack on the injured/ victim using deadly weapons such as sticks and iron rods, with a clear intention to cause his death. The manner, in which the offence was committed, in broad daylight and at a public place, reflects the audacity and dangerous disposition of the accused. The role attributed to the petitioner is specific—he being one of the assailants in the alleged occurrence causing injuries on the head of the injured with wooden stick/*danda*—and supported by CCTV footage, which *prima facie* establishes his involvement in the commission of the offence. The injuries inflicted upon the victim are serious in nature. Further, the learned Court below, while rejecting the bail plea of the petitioner, has observed that as per medical record, injured has sustained grievous and serious injuries.

7. The petitioner has been implicated on the basis of disclosure of the co-accused stating that he had given injuries on the forehead, back and foot of the injured and he was also seen in the CCTV footage, and, thus, the nature of the injuries attributed to him is serious reflecting the severity of the alleged act. 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* [*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. In view of the seriousness of the allegations, the role attributed to the petitioner and his co-accused while armed with deadly weapons,

carrying a violent attack upon the injured, this Court finds no compelling ground to extend the benefit of discretionary relief to the petitioner. Granting bail, at this stage, would not only undermine the administration of justice but may also embolden the accused and pose a threat to the safety and well-being of the victim and other witnesses.

In view of above, 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 27, 2026
mahavir
Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No