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2026:PHHC:039462



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Parvinder Singh

....Petitioner

versus

State of Punjab

....Respondent

Date of decision: March 13, 2026

Date of Uploading: March 13, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Deependra Singla, Advocate and
Mr. Agam Bansal, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (earlier Section 438 of Cr. P.C.) seeking grant of anticipatory bail to the petitioner, in case bearing FIR No.0037 dated 14.02.2026, under Sections 309(6), 115(2), 126(2), 351(2) and 3(5) of the BNS, 2023 (*pari materia* to Sections 394, 321, 339, 503 and 34 IPC respectively), at Police Station Badali Ala Singh, District Fatehgarh Sahib.

2. The gravamen of allegations against the petitioner is that complainant, namely, Jagtar Singh stated that on 12.02.2026, at about 5:00 PM, he went to the market at Chunni Kalan on his scooter bearing registration number PB-52B-3174 to purchase household articles. While returning to his village and when he was about to turn from Chunni-Morinda Road towards the road leading to his village, a motorcycle (make Splendour) without any registration number came from behind at a high speed and stopped in front of

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his scooter. Three young persons were riding on the said motorcycle, and they had covered their heads and faces. Without any provocation, the pillion rider took out a steel pipe and struck him on the head, causing him to fall from his scooter. Thereafter, the other two persons started beating him with rods and *dandas* and demanded that he hand over all the cash and valuable items in his possession. They also threatened that if he did not comply, they would kill him.

Upon an alarm being raised by the complainant and after hearing his cries, passers-by gathered at the spot to rescue him. The assailants attempted to flee from the spot on their motorcycle along with their weapons, however, one Sikh person was apprehended, who disclosed his name as Jaspreet Singh @ Mangu, and he also revealed the name of another person involved as Parvinder Singh @ Gangu (petitioner herein). The complainant had sustained multiple injuries, and blood was oozing from his head. During commotion, Jaspreet Singh @ Mangu also managed to escape from the spot. The above-named persons, in furtherance of their common intention, were alleged to have caused serious injuries to the complainant with the intention of committing robbery.

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 the petitioner was not apprehended at the spot and has been implicated only on the basis of disclosure of co-accused, who was apprehended at the spot. Learned counsel has further argued that there is unexplained delay of 02 days in lodging the FIR in question. Learned counsel

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has further argued that the alleged weapon was recovered from the co-accused, and the petitioner has nothing to do with the offence in question.

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 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 allegations have been levelled against the petitioner in the FIR. Learned State counsel has further contended that the petitioner, along with his co-accused, obstructed the way of the complainant and thereafter, gave him injuries, including on his head and demanded to handover cash and other valuables to them, thus, they have committed heinous and serious offence. 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 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 grave and serious allegations have been levelled against the present petitioner. It is further borne out that the accused persons, acting in furtherance of their common intention, waylaid the complainant and brutally assaulted him with deadly weapons such as a steel pipe, rods and *dandas* with the intention to commit robbery. The complainant sustained multiple serious injuries, including injuries on the head, and his condition became critical, requiring treatment first at a private hospital and thereafter referral to Civil Hospital Khera and subsequently to GMCH Sector-32, Chandigarh. It is, *prima facie*, revealed that the manner in which the incident was executed clearly shows that the accused persons had pre-planned the attack, intercepted the complainant on the road, and used violence to accomplish their unlawful objective. Such acts demonstrate the dangerous and violent conduct of the petitioner, making him undeserving of the extraordinary relief of anticipatory bail.

6.1. 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

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thoroughly ascertained by the investigating agency. At this stage, the custodial interrogation of the petitioner may be necessary to effectively investigate the allegations. 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 seriousness and gravity of the allegations; especially the role attributed to the petitioner and his co-accused of having forcibly intercepting the complainant, causing him serious injuries and demanding cash and valuables of the complainant, and further, 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 13, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No