



193

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-14504-2026**

Daron Saini

....Petitioner

versus

State of Punjab

....Respondent

Date of Decision: March 16, 2026**Date of Uploading: March 16, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Mr. Ashish Pundir, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Addl. AG, Punjab.

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.86 dated 02.08.2025, registered for the offences punishable under 115(2), 351(2), 351(3), 304, 191(3), 190, 109, 140(3), 127 (6) of the BNS 2023, at Police Station Sadar Pathankot, District Pathankot

2. The gravamen of the FIR in question reflects that it has been registered on the basis of a complaint moved by complainant Kulwinder Kuamr @ Ajay, who in his statement made to the police has stated that he is a painter by profession. He stated that on 29.07.2025 at about 12:30 PM, while he was engaged in paint work at the house of Dr. Baba in Village Dhobra, the petitioner with other accused namely Daruv (brother of the petitioner herein), Ankush alias Abhi and Akash alias Deepu, all residents of

Village Dhobra, along with Gopi and two other unknown persons, came there and forcibly took the complainant to the cremation ground of Village Dhobra. Thereafter, the aforesaid persons allegedly assaulted the complainant and inflicted injuries upon him. It is further alleged that when the complainant raised an alarm, the accused persons made him sit on their motorcycle, took him to the house of Daruv in Village Dhobra, confined him in a room and forcibly snatched ₹9,700 and his mobile phone. 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 has iterated that the petitioner has no role in the present FIR. Learned counsel has further contended that as per version of the complainant himself the role attributed to the petitioner is limited as the complainant has alleged that the petitioner was armed with a stick and inflicted two sticks blow on the left arm of the complainant. Learned counsel has further argued that no grievous injury has been attributed to the petitioner. Learned counsel for the petitioner has further contended that the Medical Officer, Civil Hospital, Pathankot, has opined that the patient did not undergo the necessary X-ray examination and, therefore, the nature of the injuries could not be determined. Learned counsel has further contended that the matter has now been settled between the parties vide compromise deed dated 24.11.2025 (Annexure P-3).

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 petitioners. 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 petitioners are ready to join the investigation and, hence, no useful purpose would be served by sending them 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 petitioners. Given the severity of the offence and no clean antecedents, there exists a substantial likelihood that the petitioners may abscond or tamper with the evidence, if they are enlarged on bail. Learned State counsel has iterated that the custodial interrogation of the petitioners 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 such as *datars* and sticks, and thereafter attacked upon the complainant. The petitioner herein is alleged to have been armed with sticks. As per the prosecution's case, the video recordings and

photographs clearly depict the brutality shown by the accused persons while inflicting injuries upon the complainant.

6.1. The petitioner has been specifically named in the FIR, and the nature of the injuries attributed to the petitioner and co-accused is serious reflecting the severity of the alleged act. Though, it is pleaded that the matter has been compromised between the parties, but keeping in view the nature of the issue(s) involved, especially the manner in which the injuries have been inflicted and the kind/number of injuries & antecedents of the petitioner, this Court is not inclined to afford the concession of anticipatory bail to the petitioner.

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 16, 2026
Naveen

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No