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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15076-2026

Pankaj @ Panku

....Petitioner

versus

State of Punjab

....Respondent

Date of Decision: April 21, 2026**Date of Uploading: April 21, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Mr. Supneet Singh, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG, 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.0259 dated 13.12.2025 registered under Sections 115(2), 118(1), 118(2) (Sections 127, 351 and 3(5) added later on) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Sadar, District Amritsar.

2. The gravamen of the FIR in question reflects that the FIR in question was registered on the basis of a complaint filed by the complainant—Rajesh Kumar, who in his complaint has stated that on 02.12.2025 at about 10:00 PM, while he was returning home, the petitioner along with co-accused intercepted him, forcibly stopped his vehicle, and inflicted injuries. The complainant has further alleged that the petitioner (herein) gave a blow on his stomach with a knife-like object, *whereas* the co-accused assaulted him with a *kara* and fist blows. Thereafter, upon

gathering of public persons, the accused persons allegedly fled away from the spot, while extending threats to the complainant. 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 for the petitioner contends that the petitioner has been falsely implicated into the FIR in question, as no such occurrence, as alleged by the complainant, had taken place. It is submitted that there is an unexplained delay of about 11 days in registration of the FIR, which indicates that the story put forth by the prosecution is concocted and an afterthought. Learned counsel further submits that the complainant has used the vague term to describe the weapon as a “*knife-like thing*”. It is further argued that despite the alleged occurrence having taken place in a residential colony, the prosecution has failed to join any independent witness. Learned counsel has further contended that the prosecution has failed to produce any medico-legal report, proving that the injuries suffered by the complainant are grievous and by a sharp-edged weapon.

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 submission in tandem with the status report dated 27.03.2026 has opposed the petition in hand by arguing that the allegations against the petitioner are specific and grievous in nature. Relevant paragraph of the said status report read thus:

*“9. **Role of the petitioner and evidence against him:** That the deponent humbly submits that the present petitioner Pankaj @ Panku has played main and pivotal role in the commission of crime. At the time of commission of crime, the present petitioner was armed with a knife which he hit in left side of abdomen of the complainant and caused him injury which has been declared grievous in nature by the board of doctor. The prosecution evidence against the present petitioner is based on the statement of the complainant-victim recorded at the time of registration of the present FIR which is further supported by the statements of the witnesses Arjun and Raghu as well as the facts disclosed by the co-accused Rohit @ Gill.*

*10. **Antecedents of the petitioner:** That it is submitted that as per the information provided by SHO PS Sadar, Amritsar, the present petitioner is also found involved in the following other cases:*

i) FIR No. 160, dated 12.05.2022, U/S 3798 (2)/411/149 IPC, PS Maqboolpura, Amritsar.

ii) FIR No. 22, dated 13.03.2023, U/S 379,411 IPC, PS Majitha Road, Amritsar.

iii) FIR No.60, dated 27.08.2023, U/S 379, 411, IPC, PS Mohkampura, Amritsar.

iv) DDR No. 04, dated 09.10.2024, U/S 128,170 BNSS, PS Sadar, Amritsar.

v) DDR No. 28, dated 01.02.2025, U/S 129, 170 BNSS PS Sadar, Amritsar.

Learned State counsel further submits that the petitioner is specifically named in the FIR and has been attributed a distinct and active

role in the occurrence. He has further contended that the petitioner inflicted an injury with a sharp-edged/knife-like object on the left side of abdomen of the complainant, which injury has been declared grievous in nature. Learned State counsel further submits that the weapon of offence is yet to be recovered and custodial interrogation of the petitioner is necessary for effecting recovery and for a fair and effective investigation. He has further submitted that as per the status report filed, earlier the petitioner also involved in five more FIRs and, thus, is habitual offender. 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, accordingly, 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 has inflicted injuries with a sharp-edged weapon on the left side of the abdomen of the complainant, which injury has been declared grievous in nature. It is also not in dispute that the petitioner has not joined investigation since registration of the FIR. The petitioner has been attributed a specific role of causing injury on the person of the complainant. The contention regarding delay of 11 days in registration of FIR cannot be accepted at this stage and same shall be gone into during the course of trial. Further, as per the status report filed by the State, the petitioner is stated to be involved in

multiple other FIRs/cases and, thus, the petitioner appears to be a habitual offender.

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, (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

April 21, 2026
Naveen

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No