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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-15668-2026**

Vicky @ Vicky Gupta

....Petitioner

versus

State of Punjab

....Respondent

Date of Decision: March 20, 2026**Date of Uploading: March 20, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Ms. Gagandeep Kaur, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG, 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. 23 dated 20.02.2026 registered under Sections 115(2), 118(1), 351(2), 324(4), 190, 191(3) and 331(2) of the Bharatiya Nyaya Sanhita at Police Station City Dhuri, District Sangrur.

2. The gravamen of the FIR in question reflects that the same was registered on the basis of a complaint moved by the complainant—Malkit Singh @ Vicky, who in his complaint has stated that on 19.02.2026 at about 8:30 PM, while he was present at his shop, was allegedly attacked by the petitioner (herein) along with co-accused Ravi and 7–8 unknown persons. All the accused persons were stated to be armed with deadly weapons including a sword, iron rod (*dah*) and knife. It is alleged that the co-accused

first struck the complainant on the head with an iron rod, whereafter the petitioner inflicted a sword blow, which hit on the complainant's left hand when he attempted to save himself. The other accused persons also inflicted injuries with knife and sword blows on different parts of his body, including the waist and back, and continued to assault him even after he fell to the ground. Thereafter, the accused persons also allegedly looted the shop of the complainant and fled from the spot. The occurrence is stated to have arisen out of previous enmity relating to a money dispute of ₹25,000/- between the parties. Upon these set of allegations, the instant 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 contends that the petitioner was not present at the spot at the relevant time as he had gone outside the State of Punjab, in connection with the death of a close relative. In this regard, learned counsel has placed reliance placed upon the death certificate and travel tickets (Annexures P-2 & P-3). It is further contended that no specific injury is attributed to the petitioner. He has further contended that the petitioner is a young man aged 22 years with no criminal antecedents.

3.1. Learned counsel asserts that the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Learned counsel has argued that nothing is to be recovered from the petitioner. 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 petitioner by arguing that the allegations against the petitioner are grave and serious in nature. The petitioner was a member of the unlawful assembly armed with deadly weapons and was involved in a brutal assault. It is submitted that the petitioner has been specifically attributed an active role in causing injury with a sharp-edged weapon. Learned State counsel has further contended that the petitioner has not disclosed his complete antecedents, as one more case bearing FIR No.93 dated 01.06.2026 registered for the offences punishable under Sections 115(2), 126(2), 351(2) of BNS in the same police station is pending against the petitioner. 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. On the strength of these submissions, dismissal of the petition in hand 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, the allegations against the petitioner are grave and specific, he was a member of the unlawful assembly. The petitioner has been attributed an active role in causing injury with a sharp-edged weapon to the complainant. The injuries suffered by the complainant, including those on vital parts of the body, have been declared to be dangerous to life. As per the prosecution, the petitioner has not disclosed his antecedents and is stated to be a habitual offender, as one more case of a similar nature is pending against him at the same police

station. Granting anticipatory bail to the present petitioner, at this stage, would not only be inconsistent with the earlier judicial determination but may also adversely affect the ongoing investigation.

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 20, 2026

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No