

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

2026.PHHC:065219



(205)

CRM-M-15967-2026 (O&M)
Date of decision: 27.04.2026

MUHAMAMED SHARIF

...Petitioner

Versus

STATE OF PUNJAB

...Respondents

CORAM:- HON'BLE MS. JUSTICE NEERJA K. KALSON

Present:- Mr. Ritesh K. Sharma, Advocate
for the petitioner.

Mr. Gorav Kathuria, DAG, Punjab.

NEERJA K. KALSON, J. (Oral)

1. The present petition has been filed under Section 482 of BNSS, 2023 (corresponding Section 438 Cr.P.C.) for grant of anticipatory bail to the petitioner in FIR No.0131, dated 22.08.2025, under Sections 333, 118, 74, 324(4) of BNS, 2023 (Section 118(2) of BNS added and Section 118 of BNS deleted) registered at Police Station Adampur, District Jalandhar Rural.

2. The factual matrix, as emerging from the record, is that the complainant, who is engaged in the business of dairy farming, alleged that on the night of 10.08.2025 at about 10:15 p.m., certain accused persons, including the present petitioner, forcibly entered his house armed with *datars* and sticks. It is specifically attributed that the petitioner inflicted a *datar* blow on the right arm of the complainant, while other co-accused caused injuries on different parts of his

He further alleged that when the daughter and daughter-in-law of the

complainant intervened, they were also manhandled, and allegations of outraging modesty were levelled. The complainant thereafter raised alarm, upon which the assailants fled the spot, leading to registration of the present FIR.

3. The learned counsel for the petitioner has contended that the petitioner is innocent and has been falsely implicated. It is argued that the present FIR is a counter-blast to an earlier FIR lodged by the petitioner against the complainant party. Emphasis has been laid on the delay of about 12 days in registration of the FIR, which, according to the petitioner, remains unexplained and casts a serious doubt on the prosecution version. It is further submitted that there is no specific allegation of tearing of clothes or outraging modesty attributable to the present petitioner and that the role assigned is exaggerated. It has also been argued that the co-accused have already been granted bail, and therefore, the petitioner deserves the concession of anticipatory bail on the ground of parity.

4. Per contra, learned State counsel has opposed the prayer and submits that the allegations against the petitioner are grave and specific. It is argued that the petitioner is the main assailant who inflicted a *datar* blow on the right arm of the complainant, causing an injury, which has been declared grievous in nature. It is further submitted that the investigation is still at a nascent stage and recovery of the weapon of offence is yet to be effected from the petitioner. It is also contended that in the event of grant of anticipatory bail, there is a likelihood of the petitioner influencing witnesses and hampering the investigation.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. At the outset, the nature of allegations assumes significance. The accusations are not of a trivial nature but involve forcible house trespass, use of sharp-edged weapons, and infliction of injuries which have been declared grievous.

The role attributed to the petitioner is not general or omnibus, rather, a specific

to him.

7. The contention regarding delay in lodging of the FIR, though noted, cannot be viewed in isolation at this stage. It is well settled that delay, by itself, is not fatal if the allegations otherwise disclose commission of a cognizable offence and the explanation for delay is a matter to be tested during trial. At the stage of anticipatory bail, a mini-trial is neither permissible nor warranted.
8. The argument of parity also does not advance the case of the petitioner, inasmuch as the role attributed to him is distinguishable and graver. The petitioner is alleged to be the principal assailant, and therefore, stands on a different footing than other co-accused.
9. Another important aspect is that the recovery of the weapon of offence is yet to be effected. The custodial interrogation of the petitioner, in such circumstances, cannot be said to be unwarranted. The possibility of the petitioner influencing witnesses, particularly when the parties are known to each other and belong to the same locality, also cannot be ruled out.
10. While the power under Section 438 Cr.P.C. (corresponding Section 482 of the Bharatiya Nagarik Suraksha Sanhita) is an extraordinary remedy intended to safeguard individual liberty, the same has to be exercised judiciously, keeping in view the gravity of the offence, the role attributed to the accused, and the requirement of effective investigation.
11. In the totality of the circumstances, this Court is of the considered opinion that the petitioner has failed to make out a case for grant of anticipatory bail.
12. Accordingly, the present petition is dismissed.
13. Pending application(s), if any, shall also stand disposed of.

27.04.2026
atul

(NEERJA K. KALSON)
JUDGE