



CRM-M-15887 of 2026

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-15887 of 2026
Date of Decision: 06.04.2026

Rajeev Kumar @ Rinkle

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. Amritpal Singh, DAG, Punjab.

Mr. Munish Puri, Advocate
for the complainant.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.51 dated 04.03.2026 registered under Sections 109, 194(2), 191(3), 190, 126(2), 351(2), and 324(4) of the Bharatiya Nyaya Sanhita, 2023 and Sections 25/27 of the Arms Act, at Police Station Sujampur, District Pathankot.

2. Brief facts as per the prosecution case are that two groups were quarreling with each other. Both the parties were rioting in a public place and attacked each other with an intention to kill. The petitioner was a member of one of the group. Hence, the present FIR.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has no concern



with the said offence. He argued that the petitioner was named in the FIR only on the basis of suspicion without any concrete evidence. He further argued that if the contents of the FIR are taken to be true, even then no specific role/injury has been attributed to the present petitioner and in fact, it is a case of no injury. He further argued that Section 109 of BNS has been added, only to make the offence graver. No recovery is to be effected from the petitioner. Learned counsel has further submitted that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Sessions Judge, Pathankot, vide order dated 18.03.2026.

5. On the other hand, learned State counsel has filed the status report in the matter, which is taken on record and while referring to the same, he has opposed the prayer for grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature. He argued that the petitioner has been specifically named in the FIR. He further argued the petitioner along with his associates fled from the spot. He further argued that the vehicle as well as the weapons used in the crime are yet to be recovered. He further submitted that the custodial interrogation of the petitioner is required for fair and proper investigation in the matter, to recover the weapon of offence and to take the investigation to its logical end. Hence, he prays for dismissal of the petition.

6. At this stage, learned counsel for the complainant has put in appearance and filed his Memo of Appearance, which is taken on record. He



adopts the submissions made by learned State counsel and while opposing the prayer for grant of anticipatory bail to the petitioner, has contended that the petitioner has played an active role in the crime and, thus, does not deserve the concession of bail.

7. Heard.

8. In the present case, the petitioner is specifically named in FIR and the allegations against him are serious in nature. There are specific allegations against the petitioner that he is part of one of the groups, who were quarreling with each other and indulged in firing and as such, the petitioner had actively participated in the crime. The investigation *prima facie* point towards requirement of deeper probe for which custodial interrogation of the petitioner is required. While considering plea for grant of anticipatory bail, this Court is required to consider the overall nature of offence and accusation against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection, at this stage. Granting anticipatory bail with such allegations, at this preliminary stage, would not be justified as it may affect the course of fair investigation and undermine the seriousness of the alleged act.

9. 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 would be apposite to refer herein judgment of Hon'ble Supreme Court in '*State Vs. Anil Sharma*', (1997)



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7 SCC 187, wherein it has been held as under:

"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 information 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."

10. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Thus, the present petition being devoid of merits is hereby dismissed.

11. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

(RUPINDERJIT CHAHAL)
JUDGE

06.04.2026
D.Bansal

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