

2026:PHHC:070768



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

Date of Decision: 06.05.2026.

210 CRM-M-12948-2026

Makhan DeenPetitioner.

VERSUS

State of PunjabRespondent.

WITH

279 CRM-M-16336-2026

Roshandeen and anotherPetitioners.

VERSUS

State of PunjabRespondent.

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Vishal Munjal, Advocate and
Ms. Bindu Bala, Advocate for the petitioner(s).

Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

Petitioner-Makhan Deen (in CRM-M-12948-2026) and
petitioners-Roshandeen and Seefadin (in CRM-M-16336-2026), have filed the
aforementioned two petitions under Section 482 of BNSS, 2023 (earlier
Section 438 Cr.P.C.), seeking anticipatory bail to the petitioners, who have
been booked in a criminal case arising out of First Information Report, as
detailed hereunder:-

Name of petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
1. Makhan Deen 2. Roshandeem 3. Seefadin	26	04.02.2026	132, 221, 109, 61(2), 121(1), 262, 191(3), 190 of BNS	Mahilpur	Hoshiarpur

2. Role of the accused and other facts were recorded by the Co-ordinate Bench of this Court on 11.03.2026, which reads as under:-

“ xxx

Relevant facts as emerging from the documents on record be noticed hereinbelow:-

ASI Kaushal Chandra, Incharge, Police Post, Ajnoha Mehtiana, District Hoshiarpur, set the criminal law in motion by filing a complaint pointing therein that he had received a telephonic information from Inspector Rajinder Singh, SHO, Police Station, Mehtiana to the effect that one Shahdeen @ Shahia, son of Makhandeen, who had been declared a ‘Proclaimed Offender’ in case FIR No. 10 dated 20.1.2021, registered against him u/s 457, 380, 411 of Indian Penal Code, at Police Station Mehtiana is to be arrested. The Senior Police Officer also instructed him (c) to keep the police team ready as also that he would be shortly joining them. Immediately thereafter, he (c) along with HC Prabhjot Singh, Lady Constable Gurpreet Rani headed for the disclosed place, when they reached the bridge near Ajnoha, they met the SHO, who was on Government vehicle bearing No. PB-65-BG-4901. At about 7 AM, after reaching the site, a raid was conducted at the house of Shahdeen, who was informed about the facts of the case as also was informed of the Court order dated 16.12.2025, vide which he (Shahdeen) had been declared a ‘Proclaimed Offender’. When the police team tried to apprehend Shahdeen, his entire family including the petitioner, 5-6 women and 3-4 local goons suddenly assaulted the police team and one out of them tried to snatch the pistol kept in the pocket of ASI Amarjit Singh. Before the police team could react, one of the members of the family of Shahdeen came riding a Swaraj Tractor towards them. To scare the miscreants, ASI fired a shot in the air from his service revolver, who all got scared and backed away. Complainant specifically alleged that father of Shahdeen, namely Makhan Deen (present petitioner) was sitting nearby and was constantly directing the female members of the family to get Shahdeen released from the police custody. Brothers of Shahdeen also attacked the police party, whereas the other female family members bit ASI on his right hand etc. Even the uniforms of some of the members of police

team were also torn. Taking advantage of the commotion, Shahdeen ran away. Primarily with this backdrop, ASI Kaushal Chandra requested for catching those who had obstructed the police team and had created hindrance in discharge of their official duties. Those, who had suffered injuries were immediately rushed to the hospital including ASI Kaushal Chandra, where first aid was provided. On the basis of complaint, a formal case vide FIR No. 0026 dated 04.02.2026, was registered against him and others u/s 132, 221, 109, 61(2), 121(1), 262, 191(3), 190 of BNS, at Police Station Mahilpur, District Hoshiarpur.

Apprehending his arrest, petitioner, who is father of Shahdeen, moved an application for grant of pre-arrest bail. The same came to be dismissed by the learned Additional Sessions Judge, Hoshiarpur, vide order dated 25.2.2026. Aggrieved of which, the present petition has been filed.

Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case only to level scores with Shahdeen, who had been declared a 'Proclaimed Offender' by the Court in case FIR No. 10 dated 20.1.2021, registered under Sections 457, 380, 411 of Indian Penal Code, at Police Station Mehtiana. Continuing further, learned counsel contends that even if the story as portrayed by the prosecution is taken to be true, at its face value (though not admitted), the only role attributed to petitioner is that while sitting in a corner, he was constantly exhorting and instructing the female members of the family to rescue Shahdeen from the police custody. No overt act has been attributed to petitioner. Thus, custodial interrogation of petitioner is not needed, for nothing is to be recovered from him, but being a law abiding citizen, he is ready and willing to join the investigation as and when called for by the IO.

On advance notice, Mr. Kamalpreet Bawa, Deputy Advocate General, Punjab accepts notice. Per contra, while opposing the request for grant of bail, learned State counsel contends that the son of the petitioner, who had been facing criminal trial vide FIR No. 10 dated 20.1.2021, registered under Sections 457, 380, 411 of Indian Penal, at Police Station Mehtiana, had been declared a 'Proclaimed Offender'. The police team on getting an information that aforesaid Shahdeen is present at his house, constituted a raiding party and arrived there. While they were discharging their duties, family members of Shahdeen made all possible efforts to create hindrance in the discharge of official duties. Petitioner was the person who constantly kept on instructing the female members of the family to catch hold of the police personnel and to manhandle them. In pursuance thereof, the female members caught hold of some of the police officials, gave

fist/kick blows. One of the women also bit complainant ASI Kaushal Chandra, even their uniforms were torn. In the light of the factual backdrop of the case, it has been submitted that no case for grant of pre-arrest bail is made out. Learned State counsel, however, prays for short adjournment to file Status Report.

Heard. Documents perused.

Adjourned to 6.5.2026.

Till then no coercive steps shall be taken against the petitioner.”

3. Continuing the submissions, learned counsel for the petitioners argues that there being no specific role nor there is any specific injury to anyone, prayer of petitioners can be accepted by protecting them from arrest.

4. On the other hand, learned State counsel has filed status report dated 05.05.2026 (in CRM-M-16336-2026), which is taken on record.

5. After going through the contentions already recorded, both the aforementioned petitions are disposed of with the observation that petitioner-Makhan Deen (in CRM-M-12948-2026) and petitioners-Roshandeem and Seefadin (in CRM-M-16336-2026), shall join investigation as and when required to do so by the Investigating Agency and on doing so **within two weeks**, in the eventuality of their arrest, they shall be released on bail, subject to their furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioners shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).

6. Besides, it is directed that petitioners would hand over their passports to the Investigating Agency or to Court concerned, if they possess. Otherwise, would submit affidavits, disclosing the fact that they do not possess any passport.

It is also directed that before leaving country any time during trial, petitioners would seek prior permission of the Court.

7. Accordingly, both the petitions stand disposed of.

Photocopy of this order be placed on the connected file.

(SANJAY VASHISTH)
JUDGE

06.05.2026
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Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No