



107

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

CRM-M-16359-2026

Varinder Singh @ Happy and another

....Petitioners

Versus

State of Punjab

....Respondent

Date of Decision: April 09, 2026

Date of Uploading: April 09, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Kuldip Singh, Advocate for the petitioners.

Mr. Hemant Aggarwal, 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 petitioners, in case bearing FIR No.91 dated 12.08.2024, registered under Sections 302, 328, 34 IPC (now Sections 103, 123, 3(5) of BNS, 2023), at Police Station Arniwala, District Fazilka.

2. Learned State counsel has brought to the notice of this Court that petitioner No.1-Varinder Singh @ Happy has been arrested & thus, the petition has been rendered infructuous qua the said petitioner.

2.1 This position is not refuted by learned counsel for the petitioners.

2.2 In view of the above, the petition in hand is rendered infructuous qua petitioner No.1.

3. The gravamen of the present FIR reflects that the FIR has been registered on the statement of the complainant—Raj Singh has alleged that his son Kuldeep Singh was taken by petitioner No.1 (*herein*) on 22.05.2024 on the pretext of work and later, along with co-accused (*petitioner No.2 herein*), was administered liquor mixed with some intoxicating substance. He has further alleged that when his son became semi-conscious, both the petitioners inflicted multiple injuries upon him. The injured was initially admitted to Civil Hospital, Fazilka and, thereafter, referred to Guru Gobind Singh Medical College, Faridkot, where he remained under treatment. Though discharged, his condition deteriorated and ultimately, he expired on 11.08.2024. As per the prosecution version, the motive behind the occurrence is that Kuldeep Singh had illicit relations with the wife of petitioner No.1 (*herein*). Upon these set of allegations, the instant FIR came to be registered against the accused persons.

4. Learned counsel for the petitioners has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioner No.2 are concocted, improbable and devoid of any merit. Learned counsel further contends that the petitioner No.2 has been falsely implicated. He has further argued that there is an unexplained delay of about three months in registration of the FIR. It is further contended that no specific role is attributed to petitioner No.2 and in the statement of the deceased recorded earlier there are no allegations against the petitioner. It is further argued that there is no eye witness to the occurrence in question.

4.1. 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 petitioner No.2. 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.

5. *Per contra*, learned State counsel while raising arguments in tandem with the reply dated 08.04.2026 has opposed the grant of anticipatory bail to the petitioner No.2 by arguing that the offence committed by the petitioner is serious in nature. Learned State counsel has further submitted that petitioner No.2 was earlier also involved in an FIR registered under Section 302 IPC. It is, accordingly, argued that the petitioner No.2 is specifically named in the FIR. The victim suffered multiple grievous injuries including fractures on vital parts of the body, ultimately which resulted into the death of the victim. 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 iterated that the custodial interrogation of the petitioner No.2 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.

6. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

7. As per the case put forth in the FIR in question, indubitably, grave and serious allegations have been levelled against petitioner No.2. As per the case set up by the prosecution and reply filed there are specific allegations regarding the role of petitioner No.2 and his co-accused (*petitioner No.1 herein*) in administering intoxicant and causing multiple injuries to the deceased. The nature of injuries, which subsequently resulted in death of the victim (son of the complainant), reflects the gravity and seriousness of the offence. The argument raised by learned counsel for the petitioners regarding delay in lodging the FIR does not merit acceptance, as the same would be a matter of trial. Moreover, the victim remained under treatment and later on expired due to the injuries suffered by him. Further, petitioner No.2 is an accused in an FIR registered under Section 302 IPC and, thus, 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.

8. 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.”

9. In view of the seriousness of the allegations, this Court finds no compelling ground to extend the benefit of discretionary relief to petitioner No.2 (*herein*). Moreover, custodial interrogation of the petitioner No.2 (*herein*) is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby **dismissed**.

10. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

11. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

April 09, 2026
Naveen

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No