

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-16590-2026

Dilawar Singh @ Dilawar

....Petitioner

versus

State of Haryana

....Respondent

**Date of Decision: March 25, 2026**

**Date of Uploading: March 25, 2026**

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

**Present:** Mr. Ashim Singla, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG, Haryana.

Mr. B.K. Bagri, Advocate for the complainant.

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**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.69 dated 02.03.2026 registered under Sections 109(1), 115, 126, 190,  
191(3), 351(3) of the Bharatiya Nyaya Sanhita 2023, at Police Station  
Kalanaur, District Rohtak.

2. The gravamen of the FIR in question reflects that it has been  
registered on the basis of a complaint moved by complainant-Pardeep who  
in his complaint has alleged that there is a longstanding dispute between the  
complainant-side and the accused persons regarding agricultural land. On  
02.03.2026, when the complainant along with his family members was going  
towards the fields, they were allegedly wrongfully restrained by the accused  
persons. It is further alleged that the petitioner and other accused persons

formed an unlawful assembly and were armed with *lathis*, (wooden sticks) and other sharp-edged weapons. Thereafter, the accused persons allegedly launched a attack upon the complainant and his family members and inflicted multiple blows on vital parts of their bodies, including the head, with the intention to cause death. As a result of the said attack, the complainant and his family members sustained multiple injuries. It is further alleged that the accused persons fled from the spot after the occurrence, and the injured were taken to the hospital for medical treatment. Upon these set of allegations, the present 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, owing to a longstanding civil dispute between the rival parties over land. He has further contended that no specific overt act of causing any injury has been attributed to the petitioner and his alleged role is confined merely to raising a *lalkara*. He has further argued that the occurrence is a case of version and cross-version wherein both sides have sustained injuries and despite injuries having been suffered by the petitioner side, no cross-case has been registered till date.

3.1. 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 the petitioners. 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 petitioners are ready to join the investigation and, hence, no useful purpose would be served by sending them behind the bars. On the aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel (assisted by learned counsel for the complainant) has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioners is serious in nature. The petitioner is specifically alleged to have instigated the co-accused by exhorting them that none of the complainant-side should be spared. He has further argued that as per MLRs, the injuries suffered by the complainant-side are on vital parts of the body. Given the severity of the offence and no clean antecedents, 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 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.

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, indubitably, grave and serious allegations have been levelled against the petitioner. As per the version put forth by the prosecution, it *prima facie* emerges that the petitioner and other accused persons formed unlawful assembly and were armed with deadly weapons such as *lathis*, and thereafter attacked upon the complainant-side. The petitioner is attributed the role of instigation, which is a serious offence involving unlawful assembly. As per the prosecution case, the injuries, as per the MLRs, are on vital parts of the body, indicating the gravity of the offence. Furthermore, the recovery of the weapon of

offence is yet to be effected, for which custodial interrogation of the petitioner is necessarily required, at this stage, for a fair and effective 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 25, 2026**

*Naveen*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No