



104 (2 cases)
IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

1. CRM-M-17455-2026

Kuldeep
.....Petitioner
versus
State of Haryana
.....Respondent

2. CRM-M-20745-2026

Rohit
.....Petitioner
versus
State of Haryana
.....Respondent

Date of Decision: May 04, 2026
Date of Uploading: May 04, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Lakhwinder Singh Mann, Advocate,
Mr. Hitesh Chauhan Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

Mr. D.S. Matya, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

By this common order, the aforesaid two petitions filed under
Section 482 of BNSS, 2023 (erstwhile Section 438 Cr. P.C.) seeking grant of
anticipatory bail to the petitioners, namely, Kuldeep and Rohit, in case
bearing FIR No.388 dated 24.10.2025, registered under Sections 115(2),

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190, 191(3) and 333 of the BNS, 2023 (Section 118(1) of the BNS deleted and Section 118(2) of the BNS added later on), at Police Station Bhondsi, District Gurugram, are being disposed of together, as they emanate from a common FIR.

2. The gravamen of the FIR in question is that the complainant, namely, Ravinder alleged that on 23.10.2025, at about 9:30 p.m., Samit, Amit, Satpal, Deepak, Avtar, Dal Chand, Ammi, Dharambir, Bhim, Bijan, Billu, Hemraj, Satya, Mintu, Bobby, Sonu, Sanjay, Vicky, Kallu, Rohit (*petitioner herein*), Mohit, Rahul, Tinku, Kanwar Singh, Sheela, Geeta, and Kuldeep (*petitioner herein*) forcibly entered his house. They were armed with iron rods, swords, axes, and other deadly weapons, and some of them were also carrying pistols. The accused persons collectively assaulted the complainant and others in a brutal manner and thereafter fled from the spot. The injured persons were subsequently taken by the neighbours to the hospital at Gurugram for medical treatment.

3. Learned counsel for the petitioner(s) has argued that the petitioner(s) have been falsely implicated into the FIR in question. Learned counsel has argued that there is a delay of more than 24 hours in registration of FIR in question. Learned counsel has further argued that the story putforth by the complainant is totally concocted one and does not contain even an iota of truth; in fact, it was the complainant – side who was aggressors, who gave beatings to the petitioner(s) and others. Learned counsel has submitted that it is a case of version and cross-version as the petitioner(s) – side has also got lodged an FIR No.389 dated 24.10.2025 against the complainant –

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side. Learned counsel has argued that no specific role or overt act has been attributed to the petitioner(s) and there is nothing on record to show complicity of the petitioner(s) in the offence in question. Learned counsel has asserted that as per MLR report dated 24.10.2025 of the co-accused, namely, Rahul, it is clearly recorded that he has received multiple fractures, but on the other hand, MLR report dated 23.10.2025 shows that one of the private respondent has suffered simple injuries.

3.1. Learned counsel has submitted that co-accused of the petitioner(s), namely, Kanwar Singh @ Kavar Singh has been granted concession of regular bail by this Court, vide order dated 21.01.2026 passed in **CRM-M-71059-2025**.

3.2. 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 petitioner(s). 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(s) 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, while referring to the status report by way of an affidavit dated 18.04.2026, which is already on record (in CRM-M-17455-2026), has opposed the grant of anticipatory bail to the petitioner – **Kuldeep** by arguing that the offence committed by the petitioner

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is serious in nature. Relevant of the said status report, in respect of the petitioner – **Kuldeep**, reads thus:

“20. ROLE OF THE PETITIONER KULDEEP

The role attributed to the petitioner Kuldeep in the commission of the present offence is evident from the material on record, which indicates that he was an active member of the unlawful assembly that forcibly entered the complainant’s house along with several co-accused persons, all armed with deadly weapons such as rods, swords, axes and firearms. In furtherance of the common object of the assembly, the petitioner actively participated in assaulting the victims, thereby contributing to the grievous injuries sustained by them, as substantiated by the medical evidence. In the videos of the quarrel, the petitioner was clearly visible entering in the house of complainant and blowing the lathi on the injured persons. His presence, conduct and active participation clearly establish his involvement in offences pertaining to rioting, house trespass and causing grievous hurt.”

4.1. So far as the petitioner (**Rohit**) is concerned, learned State counsel has filed status report by way of an affidavit dated 26.04.2026 (in CRM-M-20745-2026), in the Court today, which is taken on record. Raising submissions in tandem with the said status report, learned State counsel has opposed the grant of anticipatory bail to the petitioner – **Rohit** by arguing that the offence committed by the petitioner is serious in nature. Relevant of the said status report, in respect of the petitioner – **Rohit**, reads thus:

“20. ROLE OF THE PETITIONER ROHIT

The role attributed to the petitioner Rohit in the commission of the present offence is evident from the material on record, which indicates that he was an active member of the unlawful assembly that forcibly entered the complainant’s house along with several co-accused persons, all armed with deadly weapons such as rods, swords, axes and firearms. In furtherance of the common object of the assembly, the petitioner actively participated in assaulting the victims, thereby contributing to the grievous injuries sustained by them, as substantiated by the medical evidence. In the videos of the quarrel, the petitioner was clearly visible entering in the house of complainant and blowing the lathi on the injured persons. His presence, conduct and active participation clearly establish his involvement in offences pertaining to rioting, house trespass and causing grievous hurt.”

4.2. Given the severity of the offence, there exists a substantial likelihood that the petitioner(s) may abscond or tamper with the evidence, if enlarged on bail. Learned State counsel has iterated that the custodial interrogation of the petitioner(s) 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.

4.3. Learned counsel for the complainant has filed reply dated 20.04.2026, in the Court today, which is taken on record. Raising submissions in tandem with the said reply, learned counsel has iterated that there are serious and grave allegations against the petitioner(s) involving formation of an unlawful assembly, forcible house trespass and a brutal, premeditated assault with deadly weapons, which clearly establish stringent penal action against the petitioner(s). Relevant of the said reply reads thus:

“17. That for the kind perusal of this Hon’ble Court the table of Fractures (not including other severe injuries) is reproduced as under:

<i>S. No.</i>	<i>Name of Injured</i>	<i>Relation to Complainant</i>	<i>Type of Fracture</i>	<i>Location of Fracture</i>	<i>Medical Evidence</i>	<i>Annexure</i>
<i>1</i>	<i>Rajinder</i>	<i>Brother of Complainant</i>	<i>Simple Fracture</i>	<i>Left parietal bone (skull)</i>	<i>CT Scan of Head and Brain</i>	<i>C2</i>
<i>2</i>	<i>Rajinder</i>	<i>Brother of Complainant</i>	<i>Displaced Fracture</i>	<i>Distal shaft of ulna (forearm)</i>	<i>X-Ray / Medical Examination</i>	<i>C2</i>
<i>3</i>	<i>Santara</i>	<i>Mother of Complainant</i>	<i>Simple Fracture</i>	<i>Left nasal bone</i>	<i>CT Scan of Face</i>	<i>C3</i>
<i>4</i>	<i>Prince</i>	<i>Son of Complainant</i>	<i>Fracture with extension</i>	<i>Left iliac bone with fracture line extending to anterior inferior spine (pelvis)</i>	<i>CT Scan of Pelvic Bones</i>	<i>C7”</i>

4.4. Learned counsel has further argued that, in case, the petitioner(s) are granted concession of anticipatory bail, there is all likelihood that they may abscond from the process of justice as also interfere

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with the prosecution witnesses/ evidence. On the strength of 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 prosecution case and upon a careful perusal of the material available on record, it *prima facie* emerges that serious and grave allegations have been levelled against the petitioner(s). It is further revealed that the petitioner(s), along with other co-accused, in furtherance of their common intention and in a premeditated manner, forcibly trespassed into the house of the complainant while armed with deadly weapons and inflicted grievous injuries upon the victims. The petitioner(s) are attributed an active and specific role in the commission of the offence. The injuries sustained by the victims stand duly corroborated by the medical evidence. It has been further revealed that the video footage of the incident clearly depicts the presence of the petitioner(s) at the spot, entering the complainant's house and assaulting the injured persons with *lathis*. The nature, extent, and multiplicity of the injuries further underscore the violent conduct of the accused persons and reflect the seriousness of the offence alleged against them.

6.1. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner(s) has been falsely implicated into the present FIR.

6.2. The nature of allegations creates a reasonable apprehension that, if granted anticipatory bail, the petitioner(s) may abscond from the

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process of justice as also influence prosecution witnesses or tamper with evidence.

6.3. The plea of leaned counsel for the petitioner(s) that the co-accused of the petitioner(s) has been accorded the concession of regular bail by this Court, is of no help to them since admittedly, the said co-accused was granted the concession of regular bail and the petitioner(s) (*herein*) have sought concession of anticipatory bail. It is worth to note here that anticipatory bail is granted before arrest, where courts mainly assess whether arrest is necessary by considering the seriousness of allegations, the role of the accused, possibility of absconding, chances of tampering with evidence, and the need for custodial interrogation. In contrast, regular bail is considered after arrest, where the court focuses on whether continued detention is justified, taking into account the existence of a *prima facie* case, severity of the offence, evidence, length of custody, delay in trial, and likelihood of absconding or influencing witnesses.

7. Furthermore, the investigation is still at a crucial stage, and custodial interrogation of the petitioners is considered necessary to unearth the complete facts and to ascertain involvement of any other persons connected with the case. The petitioner(s) are yet to be arrested and grant of anticipatory bail, at this stage, may prejudice the ongoing investigation. The apprehension expressed by the prosecution that the petitioners, if released on bail, may abscond or attempt to influence witnesses also appears to be not without basis. Given the seriousness of the offence, the stage of investigation and possibility of tampering with evidence or obstructing justice, this Court

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is of the view that the petitioners do not deserve the concession of bail, at this juncture.

8. It is befitting to mention here that while considering 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. A profitable reference in this regard is being made to the dicta passed by the Hon'ble Supreme Court titled as *State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039*, the Supreme Court held as under, relevant whereof reads 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 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.”

At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioners. The material which has come on record and preliminary investigation, appear to establish a reasonable basis for their accusation. Thus, it is not appropriate to grant anticipatory bail to the petitioners, as it would necessarily cause impediment in effective investigation.

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9. Accordingly, this Court is of the considered opinion that the petitioners do not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand. Moreover, custodial interrogation of the petitioners is necessary for an effective investigation & to unravel the truth. The petitions are, thus, devoid of merits and are 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

May 04, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No