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

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Date of Decision: 08.05.2026

Sanju Giri

...Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Ms. Shivani Jaglan, Advocate
for the appellant.

Mr. Mohit Chaudhary, AAG, Haryana.

Mr. Deepak Chauhan, Advocate
for respondent No.2/complainant.

RUPINDERJIT CHAHAL, J (ORAL)

1. Present appeal is directed against the order dated 27.03.2026 passed by the Additional Sessions Judge, Jind dismissing the application of the appellant for grant of anticipatory bail in case FIR No.23 dated 19.02.2026 registered under Section 109(1), 115(2), 190, 191(3) and 351(2) of the Bharatiya Nyaya Sanhita, 2023, Sections 25(1-b)-54-59 of the Arms Act (Sections 3(1)A, 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act were added later on), 1989) (For short hereinafter referred to as 'SC/ST Act'), at Police Station City Safidon, District Jind.

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2. Brief facts as per the prosecution case are that the appellant along with other co-accused attacked to the complainant and his friend and caused injuries to them with an intention to kill the complainant, due to some old enmity. Hence, the present FIR.

3. Learned counsel for the appellant has submitted that the appellant has been falsely implicated in the present case and he has no concern with the said offence. She argued that the alleged occurrence took place on 16.02.2026 but the FIR in question was registered on 19.02.2026 i.e. after an unexplained delay of 03 days, casting serious doubt on the prosecution story. She further argued that even if the contents of the FIR are taken to be true, then also no specific injury has been attributed to the present appellant and he is stated to be armed with danda only. She further argued that Section 109(1) of BNS has been added, only to make the offence graver. She submitted that even the provisions of SC/ST Act have been added later on. Moreover, the appellant has clean antecedents as he is not involved in any other case and no recovery is to be effected from him. Learned counsel has further submitted that the appellant 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 appellant had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Jind, vide order dated 27.03.2026.

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5. On the other hand, learned State counsel has already filed the status report in the matter 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 appellant are serious in nature. He argued that the appellant has been specifically named in the FIR. He further argued that the appellant along with other accused, armed with deadly weapons, had formed an unlawful assembly and attacked the complainant and his friend, resulting into severe injuries to the complainant. He further argued that the appellant along with other co-accused not only gave beatings to the complainant rather some of them had even urinated on his face and also videographed the act and made it viral and as such, he has actively participated in the crime. He further submitted that the custodial interrogation of the appellant 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 appeal.

6. Learned counsel for the complainant, while opposing the prayer for grant of anticipatory bail to the appellant, has contended that the appellant 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 appellant is specifically named in the FIR and the allegations against him are serious in nature. There are specific allegations against the appellant that the appellant along with other co-accused not only gave beatings to the complainant rather some of them had even urinated on his face and also videographed the act and made it viral and



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as such, the petitioner has actively participated in the crime. The investigation *prima facie* point towards requirement of deeper probe for which custodial interrogation of the appellant is required and the weapon of offence is yet to be recovered. 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) 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



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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 appeal in the factual matrix of the case in hand. Thus, the present appeal 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

08.05.2026

D.Bansal

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