

2026:PHHC:068398



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

105

CRM-M-19977-2026

Kavaya Rana

....Petitioner

V/s

State of Punjab

....Respondent

Date of decision: 04.05.2026

Date of Uploading : 04.05.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. J.S. Dadwal, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

SUMEET GOEL, J. (Oral)

1. 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.0159 dated 08.10.2025, registered for the offences punishable under
Sections 336, 324(4), 3(5) of BNS and Section 25 of the Arms Act, 1959
and Sections 125, 249, 253, 61(2), 191(3), 190 of BNS Act (added later on)
and Section 336 of BNS 2023 (deleted later on) at Police Station
Garhshankar, District Hoshiarpur.

2. The prosecution case, as emanating from the FIR, is that the
complainant Dara Ram, who runs a medical store in village Bora, stated that
on 08.10.2025 at about 08:30 PM, three unknown persons arrived on a
motorcycle and stopped in front of his shop. One of them, with his face
muffled, got down and fired two shots at the shop and as a result thereof the

front glass got damaged. Thereafter, all the assailants fled from the spot.

Initially, the FIR was registered against unknown persons. During the course of investigation, certain accused persons were apprehended and on the basis of their disclosure statements, a larger conspiracy involving multiple persons came to light. It has been alleged that the incident was a part of a planned act of intimidation and extortion as also distribution of illegal firearms. The petitioner was not named in the FIR but his name surfaced during the course of investigation on the basis of disclosure statements of co-accused wherein it was alleged that he was in contact with other accused persons and had a role in facilitating the distribution of illegal weapons.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the present case as his name does not find mention in the FIR in question. Learned counsel has further iterated that the entire prosecution story, insofar as it relates to the petitioner, is based solely on the disclosure statements of co-accused persons, which are inadmissible in evidence and cannot form the basis for his arrest. It has been further contended that the petitioner was neither present at the spot nor any overt act has been attributed to him in the alleged firing incident. According to learned counsel, the petitioner has not been identified by the complainant or any independent witness and there is no recovery effected from him so as to connect him with the alleged offence. Learned counsel has emphasized that the petitioner is a young boy aged about 19 years with clean antecedents and no previous criminal record. Furthermore, the petitioner is a student pursuing his graduation; with an excellent academic record and belongs to a respectable family, who enjoys a good reputation in Society. It has been further contended that the petitioner

has been nominated at a belated stage during the course of investigation without any cogent material which indicates *mala fide* intention on the part of the investigating agency. The implication of the petitioner is stated to be an afterthought and allegations leveled in the FIR are concocted and do not reflect the true facts of the occurrence. It has been further argued that there is no independent or corroborative material to connect the petitioner with the alleged offence. It has been further contended that no recovery is to be effected from the petitioner and the case primarily rests on documentary evidence and therefore, the custodial interrogation of the petitioner is not required. 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 strength of these submissions, a prayer has been made for grant of anticipatory bail to the petitioner.

4. Referring to the short reply by way of affidavit of Daljit Singh, PPS, Deputy Superintendent of Police, Sub-Division Garhshankar, District Hoshiarpur, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the allegations raised against the petitioner are serious in nature. The relevant part of the reply reads as under:

“ Role of the Petitioner

11. That it is submitted that the co-accused Harjinder Singh @ Goga suffered disclosure statement that he alongwith Karan Jagpal @ Kano had brought 8 pistol from Uttar Pradesh, out of which two pistols were given to Simarpreet Singh @ Simo after making conversation on phone with the petitioner and as such the petitioner was nominated in the present case on the basis of disclosure statement of co-accused Harjinder Singh. The custodial interrogation of the petitioner is required in this case as the role and involvement of the petitioner and further nexus of all the accused involved in crime is yet to be ascertain during the investigation. Therefore, the present petition is liable to be dismissed.”

Raising submissions in tandem with the aforesaid reply, learned State counsel has further iterated that although the FIR was initially registered against unknown persons but the involvement of the petitioner has surfaced during the course of investigation on the basis of disclosure statements made by co-accused. According to learned State counsel, the said disclosure statements cannot be discarded at this stage. Furthermore, the material collected during the course of investigation *prima facie* indicates that the petitioner has played an active role in facilitating and distribution of illegal firearms. Learned State counsel has emphasized that the investigation is at a crucial stage and the custodial interrogation of the petitioner is necessary to unearth the complete chain of events, trace the source of illegal weapons and identify other persons involved in the conspiracy. Grant of anticipatory bail at this stage would seriously prejudice the ongoing investigation and may enable the petitioner to influence the witnesses or tamper with the evidence. Considering the gravity of the offence, the manner in which it was committed and the involvement of the petitioner, the dismissal of the instant petition is prayed for.

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

6. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in the case titled as ***Sumitha Pradeep vs. Arun Kumar C.K. and another, 2022(4) RCR (Criminal) 977***, relevant whereof reads as under:

“12. In a case containing such serious allegations, the High Court ought not to have exercised its jurisdiction in granting protection against arrest, as the Investigating Officer deserves freehand to take the investigation to its logical conclusion. It goes without saying that

appearance before the Investigating Officer who, has been prevented from subjecting Respondent No.1 to custodial interrogation, can hardly be fruitful to find out the prima facie substance in the allegations, which are of extreme serious in nature.

xxx	xxx	xxx	xxx
xxx	xxx	xxx	xxx

“15. Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

16. We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

7. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The allegations in the present case disclose that the occurrence is not an isolated act but appears to be a part of a larger conspiracy involving multiple accused,

illegal procurement and circulation of firearms in order to create fear and extract money. The investigation conducted so far has unearthed a chain of events which links several individuals and the role of each accused is being examined in detail and broadly. Although the petitioner was not named in the FIR in question but his nomination during the course of investigation on the basis of disclosure statements cannot be brushed aside at this stage. The material collected during the course of investigation indicates that the petitioner was allegedly in communication with co-accused persons and has a role in facilitating the distribution of illegal weapons which was ultimately used in criminal acts. The contention of the petitioner that there is no direct evidence or overt act attributed to him does not, at this stage, dilute the seriousness of the allegations. In cases involving criminal conspiracy, the role of each accused is often interconnected. The investigation is still ongoing and the exact extent of involvement of the petitioner is yet to be fully ascertained. Similarly the plea regarding the clean antecedent and academic record cannot outweigh the gravity of the allegations. In the considered opinion of this Court, the offences involved are serious in nature and have wider implications on public safety and law. The manner in which the alleged act has been carried out demonstrates the aggressive conduct of the assailants. No cause *may* 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. It goes without saying that in the instant case, the stand of the investigating agency is that the custodial interrogation of the petitioner is necessary to trace the source of illegal arms, uncover the full extent of the conspiracy and identify other persons involved. Grant of

anticipatory bail at this stage may hamper the investigation and impede the collection of crucial evidence.

8. Furthermore, the plea of false implication is a disputed question of fact which cannot be adjudicated upon while considering a petition for grant of anticipatory bail. It is well settled that while exercising jurisdiction under Section 482 BNS, the Court must consider the nature and gravity of the accusation, the role attributed to the accused, the likelihood of fleeing from justice and the possibility of tampering with evidence of influencing witnesses. The scope of consideration of evidence/material at the stage of anticipatory bail is limited and the Court cannot go into the detailed appreciation of evidence or determine its admissibility, which is a matter to be decided during the course of trial. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. No material has been placed on record to show existence of any such enmity or motive for false implication. Bald assertions without supporting evidence cannot be made the basis for grant of anticipatory bail. The material which has come on record 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, the nature of the offence, the stage of investigation and the requirement of the custodial interrogation for effective investigation, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand.

10. In view of the prevenient ratiocination, it is ordained thus:

- (i) The instant petition is devoid of merits and is hereby dismissed.
- (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
- (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

May 04, 2026
Ajay

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