



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

Sr.No.208

**CRM-M-20943-2026
Decided on : 21.05.2026**

Kanwalpreet Singh @ Billa

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Mohit Kumar, Advocate for the petitioner.

Ms. Amrit Kaur, AAG, Punjab
for the respondent-State.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.139 dated 14.09.2025, registered under Sections 126(2), 115(2), 118(1), 324(5), 351(2), 191(3), 190 of BNS, 2023 (Section 118 of BNS, 2023 added lateron in compliance of the order dated 14.05.2026), at Police Station Sadar Ahmedgarh, District Malerkotla.

2. Brief facts as per the prosecution case are that the petitioner alongwith co-accused, armed with kirpan, iron rod, pistol etc., attacked upon the complainant and his friend; caused injuries and threatened to kill them. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He further contends that the allegations levelled against him are false and he has no concern with the said offence. Learned counsel contends that no specific injury has been attributed to the petitioner. He further contends that co-



accused Parminder Singh and Sunny have already been granted the concession of regular bail by the learned Judicial Magistrate First Class, Malerkotla. It is further contended that there is nothing on record to connect the petitioner with the alleged offence. No recovery is to be effected from the petitioner. Learned counsel contends that the case is based upon documentary evidence and, therefore, the custodial interrogation of the petitioner is not required. Learned counsel also submits that the petitioner is ready and willing to join the investigation as and when called upon to do so by the Investigating Agency and shall fully cooperate with the investigation. On these grounds, it is prayed that the present petition be allowed.

4. On the other hand, learned State counsel while referring to the status report already filed, has opposed the prayer for grant of anticipatory bail by submitting that the allegations levelled against the petitioner are serious in nature. She contends that the petitioner was an active member of unlawful assembly formed by the co-accused having an intention to assault the complainant. She further contends that the petitioner armed with *kirpan* inflicted repeated blows upon the complainant and injury Nos.1 and 6 have been specifically attributed to the petitioner. Learned State counsel contends that as per the MLR, the injuries attributed to the petitioner are on the vital part of the body of complainant. Thus, the petitioner does not deserve any concession from this Court.

5. Having heard learned counsel for the parties at length and after perusing the record, it is evident that the allegations levelled against the petitioner are serious in nature. He was an active member of unlawful assembly formed by the co-accused having an intention to assault the complainant. He alongwith co-accused armed with kirpan inflicted repeated



blows upon the complainant. As per the MLR, the injuries attributed to the petitioner on the vital part of the body of complainant i.e. face and head were declared grievous in nature. This Court is sanguine of the fact that while considering the petition for anticipatory bail, it 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 and seriousness of the alleged act. Considering the gravity of the allegations, the custodial interrogation of the petitioner is necessary for effective investigation in the matter.

6. 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 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."

7. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is hereby dismissed.

8. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

21.05.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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