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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21702-2026

Rahul

...Petitioner

versus

State of Punjab

...Respondent

Date of Decision: April 21, 2026**Date of Uploading: April 21, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Ms. Pooja Rana, Advocate for
Mr. Ritesh Pandey, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

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.57 dated 22.02.2025 registered under Sections 115(2), 118(1), 191(3), 190, 351 of the Bharatiya Nyaya Sanhita, 2023 (Sections 110 and 118(2) of BNS 2023 added later on), at Police Station Civil Lines Batala, District Batala (Gurdaspur).

2. The gravamen of the FIR in question reflects that the FIR in question was registered on the basis of a complaint filed by the complainant—Hardeep Singh, who in his complaint has stated that on 16.02.2025 at about 6:45 PM, when he was present at his residence, the petitioner (herein) alongwith his co-accused namely Manga, Ajay and others, arrived at his residence. He has further stated that the accused persons were armed with deadly weapons (*datar*). The co-accused namely

Manga raised a *lalkara* and exhorted the others to attack the complainant. The complainant has further alleged that co-accused Manga gave a blow with the blunt side of a *datar* on his head *whereas* the petitioner (herein) inflicted a *datar* blow on the left leg below the knee. The complainant has further alleged that thereafter, several blows were given by the co-accused, including on the arm and some unknown persons also assaulted him with fist and kick blows. Due to this, the complainant sustained multiple injuries and fell to the ground. The reason behind the occurrence is stated be a prior altercation, which has taken place between the parties during a social function a few days earlier. The complainant was initially taken to Civil Hospital, Batala. 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. It is further contended that there is a delay of six days in lodging of the FIR and the injury attributed to the petitioner is on a non-vital part.

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

4. *Per contra*, learned State counsel has opposed the petition in hand by arguing that the petitioner is specifically named in the FIR and has been attributed a distinct and active role of inflicting injuries with a sharp-edged weapon (*datar*), which allegations are serious in nature. The petitioner is alleged to have given a *datar* blow on the left leg of the complainant and the said injury has been declared grievous in nature. Learned State counsel has further stated that the petitioner is a habitual offender as the petitioner was earlier also involved in a criminal case bearing FIR No.13 of 2024, registered at Police Station Civil Lines, Batala. Given the severity of the offence, 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 his co-accused were armed with deadly weapons (*datar*), resulting in causing injuries to the complainant. It is also not in dispute that the petitioner has not joined investigation since registration of the FIR. The petitioner has been attributed a specific role of inflicting a *datar* blow on the left leg of the complainant, which injury has been declared grievous. As per the MLR, the complainant has also suffered fracture of his right temporal bone caused due to *datar* blow on the head, inflicted by the co-accused in

the occurrence in question. The contention regarding delay in registration of FIR cannot be accepted at this stage and same shall be gone into during the course of trial. As evident from the pleadings, there is one more case pending against the petitioner and, thus, the petitioner appears to be a habitual offender.

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 establish 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.”

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

April 21, 2026

Naveen

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No