

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

2026-PHHC-061032



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CRM-M-22053-2026

Vipin @ Bittu and another

.....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

Decided on : 22.04.2026

Date of uploading: 22.04.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ritesh Pandey, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

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 petitioners in case bearing FIR No.16 dated 19.01.2026, registered under Sections 110, 115, 126, 3(5) of BNS (Section 109(1) of BNS added later on), at Police Station Bahalgarh, District Sonipat.

2. The gravamen of the FIR in question reflects that it has been registered on the basis of a complaint filed by the complainant—Sonu, who is the real sister of petitioner No.2 herein. The complainant in her complaint has alleged that on 18.01.2026 when her husband was returning home after work, he was intercepted on the way near village Chauhan Joshi by some persons, who assaulted him and caused multiple injuries. She further stated that her husband sustained serious injuries and was taken to hospital for treatment. She has expressed suspicion that her brother Manoj (petitioner

No.2 herein) and her brother-in-law Vipin @ Bittu (petitioner No.1 herein), who were unhappy with her love marriage with the injured, had earlier extended threats and are responsible for the occurrence in question. On these set of allegations, instant FIR was registered against the petitioners.

3. Learned counsel for the petitioner submits that the petitioners are innocent persons and have been falsely implicated in the present case. It is argued that there is no eye-witness to the occurrence and the allegations are based merely on suspicion. It is further contended that the petitioners were not present at the spot and were at their respective workplaces. Learned counsel asserts that in the instant case, the FIR fails to include material facts, which further raised questions about its credibility and fairness. 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 petitioners are ready to join the investigation and hence no useful purpose would be served by sending them behind the bars. It is lastly submitted by the learned counsel that the present petition be allowed and the petitioners be granted the concession of the anticipatory bail.

4. *Per contra*, learned State counsel has vehemently opposed the grant of anticipatory bail to the petitioners, contending that the allegations levelled against them are grave and serious in nature. It is further contended that the petitioners, in furtherance of their common intention, caused injuries to the husband of the complainant, which have been declared dangerous to life. The investigation qua the FIR in question is still ongoing. Learned State counsel has iterated that the custodial interrogation of the petitioners is imperative for the purpose of effective and fair investigation and to unearth

the case of the prosecution. According to learned State counsel, in case the petitioners are granted the concession of pre-arrest, at this stage, it may impede the ongoing investigation.

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 allegations set forth in the FIR, serious charges have undeniably been levelled against the present petitioners. The FIR has been registered against the petitioners on the basis of the specific allegations that due to a previous enmity arising out of a love marriage, they attacked upon the injured and caused serious injuries to him. The offence under Section 307 IPC has also been added later on, which reflects the serious nature of injuries. As per submissions made by learned State counsel, the investigation is still at a preliminary stage, and custodial interrogation of the present petitioners is necessary to unravel the truth. The learned counsel for the petitioners has failed to demonstrate that the case registered against them is false.

No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioners have 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 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 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 petitioners. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioners, 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 gravity of the allegations and nature of offence, since the necessity of custodial interrogation would arise for a fair and thorough investigation, this Court is of the considered opinion that the petitioners do not deserve the concession of anticipatory bail in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioners 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 22, 2026
Naveen

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