



117

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-23002-2026**

Sunny

...Petitioner

Versus

State of Punjab

...Respondent

Date of Decision: April 27, 2026**Date of Uploading: April 27, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Mr. Parveen Chauhan 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.77 dated 14.03.2025, registered under Sections 302, 34 IPC and Section 25 of the Arms Act, at Police Station Civil Lines, Batala, District 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—Sulakhan Singh who in his statement made to the police has alleged that on account of prior enmity, the petitioner (*herein*) alongwith his co-accused, had a grudge against the victim. On 14.03.2025, the complainant along with the victim was present near the place of incident when the

petitioner (*herein*) alongwith other co-accused, acting in furtherance of their common intention, arrived at the spot with deadly weapons. The complainant has further alleged that, the accused persons surrounded the victim and started assaulting him. The complainant has further alleged that the accused persons inflicted repeated blows with sharp-edged weapons on vital parts of the body of the victim. The petitioner (*herein*) has been specifically named in the FIR and attributed an active role in the occurrence, alleging that he also participated in the assault and caused injuries along with the co-accused. The complainant has further alleged that the attack was brutal and continuous, and despite cries for help, the accused persons did not stop. The victim suffered multiple serious injuries and fell at the spot. The accused persons then fled away from the spot with their weapons. The injured was taken to hospital for treatment, but later died due to injuries. The complainant has, thus, alleged that the accused persons, in furtherance of their common intention, committed the murder of the victim in a planned and premeditated manner manner, and the petitioner (*herein*) was an active participant in the commission of the crime in question. 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 for the petitioner submits that the petitioner has been falsely implicated into the FIR in question. Learned counsel further contends that the petitioner is not the main accused and no specific injury has been attributed to him.

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 on the person of the victim. Learned State counsel has further submitted that, as alleged by the complainant, the petitioner was armed with a sharp-edged weapon and inflicted injuries on the vital part of the body of the victim. He has further argued that the allegations against the petitioner are serious in nature, involving commission of an offence punishable under Section 302 IPC. Learned State counsel further submits that custodial interrogation of the petitioner is required to unearth the complete chain of events, including the motive, manner of occurrence and recovery of weapon(s) used in the crime in question. 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. 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. The petitioner has been specifically named in the FIR and attributed a distinct and active role in the occurrence. The FIR in question discloses a serious offence involving loss of life. The nature of the allegations, the manner of the incident and the use of weapons *prima facie* suggest a pre-planned act. The contention raised by learned counsel that the petitioner has been falsely implicated or that no specific injury has been attributed to him cannot be examined at this stage, as the same would be examined during the course of trial.

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 27, 2026
Naveen

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No