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

CRM-M-23255-2026

Rakesh Kumar @ Khanna @ Rajesh Kumar

....Petitioner

Versus

State of Punjab

....Respondent

Date of Decision: April 30, 2026**Date of Uploading: April 30, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Mr. Sunil Kumar Rohilla, 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.49 dated 07.03.2026 registered under Sections 115(2), 118(1), 351 of the Bharatiya Nyaya Sanhita, 2023 and Section 118(2) BNS added later on vide DDR No.13 dated 19.03.2026, at Police Station Sultanpur Lodhi, District Kapurthala.

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—Ravinder Kumar, who in his statement made to the police has stated that on 26.02.2026, while working as a labourer with the petitioner (*herein*), he suddenly came down with a fever and was unable to continue

working, which led to an altercation between them. He further stated that at about 8:00–8:30 PM, while he was on his way to a grocery shop, the petitioner (*herein*) allegedly under the influence of liquor, intercepted him and assaulted him with a brick, causing injuries to his nose and forehead. It is further alleged that even after he fell down, the petitioner continued the assault and also gave a fist blow. Thereafter, while extending threats, the petitioner fled away from the spot. Upon these set of allegations, the present FIR came to be registered.

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, on account of a monetary dispute with the complainant, who is closely related and working under the same contractor. It is contended that there is an unexplained delay of 10 days in lodging the FIR and that the MLR does not fully support the case of the prosecution. He has further contended the injuries suffered by the complainant are either self-inflicted or have been manipulated.

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. Learned State counsel has further submitted that, as alleged by the complainant, the petitioner inflicted multiple injuries with break on his nose and forehead, which have subsequently been declared grievous in nature. It is further submitted that as per MLR and X-ray reports, three injuries have been sustained by the complainant, out of which two injuries were blunt and one is sharp. The complainant has also suffered fractures, which reflects the gravity of the offence. 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, the allegations against the petitioner are of causing injuries with a brick on the vital parts of the body of the complainant. As per the medical record and case set up by the prosecution, multiple injuries have been sustained, including grievous injuries involving fracture of frontal bone, fracture of anterior and postero lateral walls of bilateral maxillary sinuses. Out of three injuries sustained by the complainant, two have been declared grievous in nature. The nature of the allegations, the manner of the incident and the use of weapon *prima facie*

suggest a pre-planned act. The contention regarding delay of one day in registration of FIR does not carry insignificant weight at this stage, the same being nominal and inconsequential in the facts and circumstances of the case.

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 30, 2026

Naveen

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No