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

**CRM-M No.23929 of 2026 (O&M)
Date of Decision: 07.05.2026**

Rakesh Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Adarshdeep Brar, Advocate
for the petitioner.

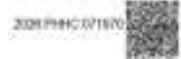
Mr. K. D. Sachdeva, DAG, Punjab.

RAJESH BHARDWAJ, J.

CRM-19670-2026

Instant application has been filed praying for modification of order dated 29.04.2026 passed by this Hon'ble Court in the main petition.

Learned counsel for the applicant-petitioner has submitted that the main case praying for the grant of anticipatory bail to the applicant-petitioner was dismissed as withdrawn vide order dated 29.04.2026 with liberty to the petitioner to surrender before the learned trial Court and file an application before it for seeking regular bail. He has further submitted that in the order dated 29.04.2026, the said fact has been inadvertently recorded as the petitioner had not sought any such liberty to surrender before the learned trial Court. He has thus, prays that



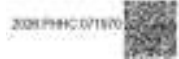
the order dated 29.04.2026 passed in the main petition may kindly be modified and pass an appropriate order in the same in accordance with law.

After hearing learned counsel for the applicant-petitioner and going through the contents of the application, the prayer made in the application is allowed. The main case is ordered to be restored and taken up on board today itself.

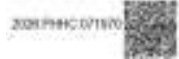
CRM-M-23929-2026

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.11, dated 25.01.2026, under Sections 109, 126(2), 351, 115(2), 191(3), 190 of BNS and Sections 25 & 27 of Arms Act, registered at Police Station Mamdot, District Ferozepur.

2. Succinctly, the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Akash Dhawan. It was alleged that on 24.01.2026 at about 04:00 P.M., the complainant along with his elder brother, namely, Ajay Kumar and his father, namely, Inderpal took chaff from our fields and after unloading the same in our haveli, he was going to the house of Kamaljit Singh to give his trolley. It was alleged that when the complainant reached the house of Ex. Sarpanch, namely, Joginder Singh, then Rakesh Kumar, i.e. the petitioner came in his Alto car and parked the same in front of the complainant. He alighted from the car and started abusing the complainant along with two other unknown persons. The complainant

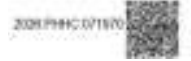


speed up his trolley and parked the same in the house of Kamaljit Singh. When the complainant reached near the bus stand of the village, Rakesh Kumar (petitioner) again tried to stop him, however, the complainant sped up his tractor and came to his haveli. It was alleged that the complainant along with his elder brother, namely, Ajay Kumar, his father, namely, Inderpal and mother, namely, Poonam Rani was going to the house. In front of their house, Ravinder Kumar armed with pistol, Rakesh Kumar, i.e. the petitioner armed with pistol, Deepak Kumar armed with revolver, Satpal armed with dang, Vijay Kumar armed with double barrel gun, Dharampal armed with dang, Sukhwinder Pal armed with dang, Rajan Mehta armed with Kirpan, Sonia Rani and Priyanka were already standing there. Sonia Rani and Priyanka raised a lalkara to catch hold of them, then, Ravinder Kumar fired three shots from his pistol towards them in order to kill them. First shot hit on the right foot of brother of complainant, namely, Ajay Kumar, second shot hit over the head of the father of complainant, namely, Inderpal and third shot hit on the thigh of complainant. The complainant along with his family ran towards to their house. Deepak Kumar, Rakesh Kumar and Vijay Kumar fired shots towards them with their respective weapons, which hit on the main gate of the house and some passed over. The accused also threatened them to come out of the house by stating that Gurpreet Singh Sekhon Mudki was with them and they will kill them. Then all the accused fled away from the spot along with their respective weapons. Then, the complainant called Sarpanch of the village, namely, Mukhtiar Singh and Pargat Singh,



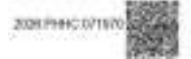
who admitted them to Civil Hospital, Mamdot for treatment, from where they were referred to Guru Gobind Singh Medical College, Faridkot. Thus, the request was made to take legal action against the accused. On the basis of the same, the FIR was registered. On registration of the FIR, the investigation commenced. Apprehending his arrest, the petitioner approached the Court of learned Additional Sessions Judge, Ferozepur praying for the grant of anticipatory bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Ferozepur declined the bail application filed by the petitioner vide order dated 25.03.2026. Hence, being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that no offence is made out against the petitioner. He has submitted that neither the petitioner was present at the spot nor he fired from any weapon upon the complainant, however, he has been implicated in the present case only for his personal grudge. He has further submitted that even the co-accused, namely, Ravinder Kumar, who was alleged to have fired upon the complainant and his brother, was not present at the spot at the relevant time. He has submitted that there is a CCTV footage also which clearly demonstrates that the complainant and his family members, at about 07:00 P.M. on the same day, armed with weapons had forcibly entered into the house of the petitioner and



assaulting the petitioner and his family members. He has further submitted that co-accused, namely, Ravinder Kumar, who is brother of the petitioner, had filed criminal case against the complainant and his family members for causing injuries to them, in which father of the complainant, namely, Inderpal was convicted for 10 years by the learned trial Court and thus, the complainant and his family have constantly threatening and pressurizing the accused to compromise the matter. He has submitted that there is no cogent evidence against the petitioner, however, he has been wrongly implicated in the present case. He has further submitted that the challan in the present case is yet to be filed and trial of the case will take long time and thus, no useful purpose would be served by detaining the petitioner. He has relied upon the decision rendered by Hon'ble the Supreme Court in '*Siddharam Satlingappa Mhetre vs. State of Maharashtra and others*', 2011(1) SCC 694. He has further submitted that the co-accused have already been granted the concession of anticipatory bail by the learned trial Court. He has submitted that no *prima facie* case as alleged against the petitioner is made out and thus, he deserves to be granted anticipatory bail.

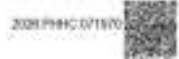
4. Learned counsel for the State, however, has opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner has been specifically named in the FIR and specific role has been attributed to him. He has submitted that there are allegations against the petitioner that he along with other co-accused had threatening the complainant and his family. He has submitted that the



petitioner was armed with pistol and fired shots from the same, which hit on the main gate of the house of the complainant. He has submitted that the petitioner is very much involved in the commission of offence. He has submitted that the weapon used in the offence is yet to be recovered. He has further submitted that the allegations made against the petitioner is serious in nature. He has thus submitted that the investigation is at the initial stage and keeping in view the facts and circumstances of the case, the petitioner does not deserve the concession of anticipatory bail and the present petition deserves to be dismissed.

5. The Court has heard learned counsel for the parties and perused the record with their able assistance.

6. It has been transpired that complicity of the petitioner in the present case has been *prima facie* established as he was specifically named in the FIR. There are specific allegations against the petitioner that firstly he stopped and abused the complainant on the way of his house and thereafter threatened him and then, he came to the house of the complainant along with other co-accused. They were duly armed with weapons like pistols, kirpans, dangs etc. and then, fired shots upon the complainant, his father and his brother as well and on account of the same, they suffered serious injuries. The complainant duly fired the shots on the main gate of the house of complainant. The intention of the petitioner as well as the other co-accused is specifically seen in the FIR. The allegations made against the petitioner are serious in nature. The



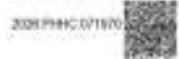
weapon used in the offence is yet to be recovered. Needless to say that the investigation is at threshold.

7. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-

“Direction for grant of bail to person apprehending arrest:

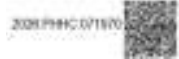
1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
 - (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
 - (iv) *such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*

8. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the



society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

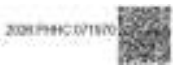
“31. *In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498*



which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail.”

9. The Hon'ble Supreme Court in ***State Vs. Anil Sharma, (1997) 7SCC 187***, held as under:-

“6. *We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable 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.”

10. Hon’ble Supreme Court in State by *the Inspector of Police vs. B. Ramu, 2024(1) Law Herald (SC)* has held as under:-

11. ‘In case of recovery of such a huge quantity of narcotic substance, the Courts should be slow in granting even regular bail to the accused what to talk of anticipatory bail more so when the accused is alleged to be having criminal antecedents’.

11. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been prima facie established as he was specifically named in the FIR, armed with pistol and fired shots on the main gate of the house. Needless to say, the investigation is at threshold and in the facts and circumstances, custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

12. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

07.05.2026
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(RAJESH BHARDWAJ)
JUDGE
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No