



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

**CRM-M No.24406 of 2026  
Date of Decision: 01.05.2026**

**Tharmal Singh @ Damu Virk**

**..... Petitioner**

**Versus**

**State of Punjab**

**....Respondent**

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Nippun Sharma, Advocate for the petitioner.

**RAJESH BHARDWAJ, J.**

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.55, dated 01.04.2026, under Sections 115(2), 333, 304(2), 351(2), 191(3) and 190 of BNS, registered at Police Station City Samana, District Patiala.

2. Succinctly the facts of the case are that FIR in the present case was registered on the statement of complainant, namely, Ashwin Kumar. It was alleged that on 31.03.2026 at about 9.15 p.m. when the complainant along with his brother was at his shop, at that time Inderpreet Singh @ Happy came and started abusing complainant's brother and then attacked complainant's face with glass and shortly thereafter, he along with other co-accused armed with deadly weapons forcibly entered into his shop. It was alleged that co-accused Inderpreet Singh who was armed with kirpan, accused-Tharmal Singh (petitioner herein) who was armed with baseball bat and unknown persons who were also armed with sticks started hitting Shiv Kumar, who was a friend of



complainant and was already present in the shop. The accused persons also gave blows to the complainant and his brother, with their respective weapons. It was alleged that co-accused Inderpreet Singh @ Happy also snatched gold chain of 05 tollas of his brother, namely, Vishal Madan. It was alleged that the accused persons thrashed the complainant and his brother and dragged them in the street and when they raised hue and cry, they fled away from the place of occurrence along with their weapons. They were moved to Civil Hospital, by one Amit Aggarwal. Thus, request was made to take the legal action against the culprits. On registration of the FIR, the investigation commenced. Apprehending his arrest, the petitioner approached the Court of learned Additional Sessions Judge, Patiala praying for the grant of anticipatory bail. However, after hearing both the sides, finding no merit in the same, the learned Additional Sessions Judge, Patiala dismissed the petition filed by the petitioner vide order dated 16.04.2026. 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 implicated in the present case. He submits that the petitioner has not caused any injury upon the complainant and also he was not armed with any weapon. He submits that in the occurrence, rather, wife of the friend of the petitioner received injuries. He further submits that there is no recovery of gold chain from the petitioner and, thus, custodial interrogation of petitioner is not required. He thus,



submits that in the facts and circumstances, there being no *prima facie* case made against the petitioner, he deserves to be granted anticipatory bail.

4. Notice of motion.

5. On asking of the Court, Mr. K.D. Sachdeva, D.A.G., Punjab, accepts notice on behalf of respondent-State and Mr. Sourabh Singla, Advocate has put in appearance and filed *Vakalatnama* on behalf of the complainant, in the Court today. Same is taken on record.

6. Learned counsel for the complainant has vehemently opposed the submissions made on behalf of the petitioner and submits that when the complainant along with his brother and friend was in the shop, the petitioner along with other co-accused forcibly entered into the shop in a drunken condition and threw glass on the complainant. He submits that the petitioner was duly armed with baseball bat and also caused grievous injuries from the same to the complainant party. He submits that the petitioner also dragged the complainant outside the shop in the street and gave merciless beatings. He thus, submits that no case for grant of anticipatory bail to the petitioner, is made out.

7. Learned State counsel has equally opposed the submission made by counsel for the petitioner and submits that the petitioner has committed very serious offence as he along with other co-accused armed with deadly weapons caused multiple grievous as well as simple injuries upon the complainant party. He submits that the petitioner was armed with baseball bat, who inflicted injuries with the same upon the



complainant in which he received four injuries. He has thus, submitted that the investigation is at threshold and custodial interrogation of petitioner is very much required, as weapon of offence is yet to be recovered from the petitioner. He has submitted that no case for the grant of anticipatory bail to the petitioner is made out and thus, the present petition being devoid of merit deserves to be dismissed.

8. On hearing of the counsel for the parties and perusing the record, it is deciphered that name of the petitioner has been specifically mentioned in the FIR, who along with co-accused, duly armed with weapons, was alleged to have forcibly entered in the shop of the complainant and caused several grievous and simple injuries to the complainant, his brother and his friend. In the said occurrence, the complainant received 04 injuries, and friend as well as brother of the complainant received 07 and 05 injuries, respectively, which are blunt in nature and thus, committed a serious offence. Since the recovery of weapons used in the commission of offence is yet to effected, the custodial interrogation of the petitioner is very much essential. The allegations against the petitioner are serious in nature. The investigation is at threshold.

9. 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.”*

10. 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.”*

11. 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.”*

12. 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 found. Allegations made against the petitioner are serious in nature. Needless to say, the investigation is at the initial stage 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.

13. 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.

01.05.2026  
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(RAJESH BHARDWAJ)  
JUDGE

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