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CRM-M-24538-2026

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

CRM-M-24538-2026

Date of decision: 21.05.2026

AKSHAY DABGOTRA

....Petitioner

Versus

STATE OF PUNJAB AND ANR.

....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Amit Jhanji, Sr. Advocate with
Mr. Shashank Shekhar Sharma, Advocate for the petitioner.

Ms. Amrit Kaur Mahir, AAG Punjab.

Mr. Inderjit Sharma, Advocate
for respondent No.2-complainant.

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RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the instant petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of anticipatory bail to the petitioner in FIR No.63 dated 30.03.2026 registered under Sections 109, 115(2), 117(2) and 3(5) of BNS, 2023 registered at Police Station Sujanpur, District Pathankot.

2. Brief facts of the present case are that, the petitioner along with other co-accused persons while driving a vehicle make Mahindra Thar had intentionally rammed their car into Munish Kumar (injured), crushed him beneath the vehicle and dragged him on the road with an intention to kill. Hence, the present FIR.



3. Learned Senior counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He submits that the petitioner while travelling in a car had met with an accident with a truck who was driving negligently and while the petitioner was discussing the matter with the truck driver, the complainant and the injured who were in an inebriated condition intervened without cause and further launched a violent assault upon the petitioner with lathis and stones, causing significant injuries to the petitioner and damage to the vehicle. He further submits that the injuries suffered by the victim and other persons was only an act of self-preservation and a result of free-fight by the petitioner and certainly not a result of intent to kill. He submits that the situation escalated only due to the aggression by the complainant party who had in fact launched an attack upon the petitioner. He further submitted that the petitioner has clean antecedents as he is not involved in any other case. No recovery is to be effected from him. Learned counsel further submits that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency. Therefore, it is urged that the petition deserves to be allowed.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by learned Additional Sessions Judge, Pathankot vide order dated 21.04.2026.

5. Learned State counsel has already filed the status report, who,



bail. It is submitted that the offence allegedly committed by the petitioner is serious in nature. She further contends that the petitioner along with other co-accused persons had intentionally rammed his car make Mahindra Thar into the injured namely Munish Kumar with an intention to kill and as a result of which the injured has suffered grievous injuries. She relying upon the medical report of the injured further submits that the injured is in a “paraplegic” state i.e. unable to move his both lower limbs. She submits that the injuries suffered by the injured are grievous, serious and life-threatening in nature. She submits that as per the record, the treating doctors have advised as many as 14 surgeries for treatment and rehabilitation of the injured. She submits that as per the opinion of the doctors, the lower limb portion of the injured has reached a complete vegetative/non-functional stage, with no possibility of recovery in future. She further submits that custodial interrogation of the petitioner is essential for effective investigation in the matter. On these grounds, the learned State counsel has prayed for dismissal of the present petition.

6. Learned counsel appearing on behalf of the complainant adopts the submissions made by learned State counsel and has vehemently opposed the grant of anticipatory bail to the petitioner and submits that the petitioner do not deserve any leniency due to the seriousness of the offence committed by the petitioner and particularly in view of the brutality by which the injured was given thrashing.

7. Heard.

8. The allegations levelled against the petitioner are grave and serious in nature. The petitioner, in furtherance of a common intention



along with the co-accused persons, deliberately rammed Mahindra Thar into the victim, namely Munish Kumar, with a clear intention to cause his death. The manner in which the offence has been committed clearly demonstrates the criminal intent and the extreme degree of recklessness on the part of the petitioner. The medical record prima facie reveals that the injured has suffered permanent paralysis of the lower limbs and his condition has been stated to be irreversible. The record further indicates that multiple surgeries have been advised for his treatment and rehabilitation. The allegations attributed to the petitioner disclose a serious offence having far-reaching consequences upon the life and future of the injured. Due to the deliberate act of the petitioner, the victim has suffered permanent disability and has been rendered paraplegic, thereby causing irreparable physical, mental and financial trauma not only to the injured but also to his entire family. Learned State counsel has submitted that the medical condition of the injured is extremely critical and the doctors have opined that there is no likelihood of recovery of the lower limbs, thereby permanently affecting the quality of life of the victim. The plea raised by learned counsel for the petitioner that the occurrence was a result of a sudden quarrel or free fight and that the injuries were caused in self-defence are matters to be examined during the course of investigation and trial. While considering the plea for grant of anticipatory bail, this Court is required to consider the overall nature of offence and accusations against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection to the petitioner, at this



this preliminary stage, would not be justified as it may affect the course of fair investigation and undermine the seriousness of the alleged act. Considering the gravity of the allegations, the custodial interrogation of the petitioner is necessary for effective investigation in the matter.

9. 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 would be apposite to refer herein judgment of Hon'ble Supreme Court in '**State Vs. Anil Sharma', (1997) 7 SCC 187**, wherein it has been held as under:

"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 information 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. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is hereby dismissed.
11. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

21.05.2026
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(RUPINDERJIT CHAHAL)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |