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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-25597-2026**

Lovepreet Singh @ Nony

...Petitioner

Versus

State of Punjab

....Respondent

Date of Decision: May 06, 2026**Date of Uploading: May 06, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Mr. Karandeep Singh Dargan, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG, 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.123 dated 02.06.2025, registered under Sections 331(4), 191(3),
190, 324(5) and 351 of the Bharatiya Nyaya Sanhita, 2023, at Police Station
City-1 Abohar, District Fazilka.

2. The gravamen of the FIR in question reflects that the FIR in
question was registered on the statement of the complainant—Sameela Rani,
who alleged that on the night of 20.05.2025 at around 7.30 PM, the
petitioner along with another co-accused came on a motorcycle outside her
house and started abusing and threatening to kill her husband, who was
present at the spot. It is further alleged that on the same day at about 10:00

PM, the petitioner along with other co-accused persons, namely Vicky, Anmol, Gagan and Kaka, again came to the house of the complainant and attempted to forcibly enter the premises. However, the family members locked themselves inside, whereupon the accused persons climbed onto the roof of the house and started pelting bricks and stones. On raising alarm by the residents and after a call was made to the police helpline on 112, the accused persons fled from the spot. The complainant further alleged that on the next day i.e. 21.05.2025, when none of the family members were present in the house, the accused persons again came armed with sharp-edged weapons such as kirpans and other instruments. They forcibly entered the house and the adjoining shop, broke open the locks, damaged CCTV cameras and caused extensive destruction to household articles and shop goods. It is further alleged that the accused persons vandalized and broke various items including refrigerators, gas stove, air-conditioner, fans, furniture, beds, clothes, cooler, temple structure and other belongings. They also scattered important documents of the family and took away grocery items from the shop. The complainant has further stated that the incident was later informed to her by neighbours and relatives, and upon returning, she found the house and shop in a *looted* condition. It has further been alleged that the accused persons were harboring a grudge against the complainant's family on account of a prior dispute relating to a molestation case involving a relative, and due to said enmity, they committed the present occurrence with the intention to intimidate and cause harm to them. 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 owing to prior enmity between the parties. It is submitted that the allegations have been exaggerated and given a criminal colour to what is essentially a personal dispute. It is further contended that no specific injury has been attributed to the petitioner and the present case is a no injury case. It is also submitted that there is an unexplained delay of about 10–12 days in registration of the FIR, which renders the prosecution story doubtful. Learned counsel further submits that the complainant was not present at the spot and the case is based on hearsay evidence as the incident was narrated by neighbours and relatives. It is contended that the petitioner is a young person with clean antecedents and is not involved in any other case. It is also contended that a co-accused namely Lovepreet Singh @ Kaka having a similar role has already been granted anticipatory bail vide order dated 30.07.2025 (Annexure P-2) and the petitioner is entitled to the concession of bail on the ground of parity.

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 was

part of an unlawful assembly which in a pre-planned manner went to the house of the complainant, extended threats and thereafter attempted to forcibly enter the premises. It is further argued that on the following day, the petitioner along with co-accused again came armed with sharp-edged weapons, broke open the house and shop, caused extensive damage to property and looted articles. 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. Further, the case set up by prosecution *prima facie* indicates that the petitioner was part of an unlawful assembly which in a coordinated manner not only extended threats but also attempted to forcibly enter the house and thereafter, on the following day, committed acts of house trespass and large-scale damage to property of the complainant house. The contention of learned counsel for the petitioner that the case is based on false implication, delay in registration of FIR and absence of injuries, does not merit acceptance, at this stage, in view of the specific and serious allegations against the petitioner. The plea that the complainant was not present at the spot and that the case is based on hearsay is a matter of fact, which would be gone into during the course of trial.

Further reliance placed by the counsel for the petitioner upon the order dated 30.07.2025 (Annexure P-2) in respect of co-accused namely

Lovepreet Singh @ Kaka, is misplaced, as the said co-accused was afforded the concession of anticipatory bail on the ground that no specific role has been attributed to him *whereas* as per the pleaded case of the prosecution the petitioner has been attributed the active role in the offence in question. The contention regarding delay 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

May 06, 2026
Naveen

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No