



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

**CRM-M No.25806 of 2026
Date of Decision: 07.05.2026**

Harmandeep Singh @ Harman

..... Petitioner

Versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ashok Kumar Khunger, Advocate
for the petitioner.

Mr. K.D. Sachdeva, D.A.G., Punjab.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.151, dated 01.11.2025, under Sections 304(2), 303(2), 127(2), 115(2), 126(2), 191(3), 190 of BNS, registered at Police Station City-2 Abohar, District Fazilka.

2. Succinctly the facts of the case are that FIR in the present case was registered on the statement of complainant, namely, Ayush Kherwa. It was alleged that on 27.10.2025 at about 5:30 PM, when he went to a Cafe situated at Sito Road by riding his Bullet motor cycle, he received a telephonic call and when he was attending the said call, then accused-Sunil Jhahria along with Parwinder Maan and Harman came there and started conversation with the complainant. It was alleged that in the meanwhile, one Alto Car of white colour and one Willy jeep also



stopped there from which accused, Raman Dhaliwal and Lovedeep Brar accompanied by 04 unknown persons came out of it and all of them waylaid the complainant. It was alleged that all the assailants forcibly put the complainant on the back seat of Alto car and he instantly made a call to his father that he has been kidnapped and in meanwhile, the accused persons started beating him and snatched away his phone as well as his motor bike keys. Harman drove the car towards village Sito. It was alleged that in the said incident Harman wrenched the gold chain of the complainant, due to which, his neck was strangulated and he received injuries and when the complainant tried to save himself, by opening the window of car and he raised hue and cry. It was alleged that the accused persons again tried to put him in the car, but he succeeded in coming out of the car. It was alleged that the accused persons gave him beatings, however, when the complainant was raising hue and cry, people from the surrounding gathered there and on seeing them, all the accused in their vehicles ran away from the spot. It was alleged that thereafter the complainant was got admitted in Civil Hospital, Abohar. 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, Fazilka praying for the grant of anticipatory bail. However, after hearing both the sides, finding no merit in the same, the learned Additional Sessions Judge, Fazilka dismissed the petition filed by the petitioner vide order dated 09.03.2026. 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 implicated in the present case. He submits that the present FIR has been registered on the basis of concocted facts. He submits that there is unexplained delay of 05 days in registration of the FIR. He submits that there was money dispute between the complainant and accused-Sunil Jhahria, due to which, the petitioner has been roped in the present case. To buttress his arguments, he submits that co-accused Sunil Jhahria has already been granted bail by learned trial Court. He submits that nothing is to be recovered from the present 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. Learned State counsel has opposed the submission made by counsel for the petitioner and submits that the petitioner has committed the offence of kidnapping as he along with other co-accused forcibly put the complainant in their car. He submits that the petitioner along with co-accused had caused multiple grievous as well as simple injuries upon the complainant. He submits that the main injury on the neck of the complainant has been attributed to the present petitioner as he was the one who snatched the gold chain of the complainant, due to which, his neck was strangulated. He submits that the petitioner was the driver of



the car in which the complainant was taken forcibly. He submits that though co-accused Sunil Jhahria has already been granted bail by learned trial Court, however, his case is not on parity with the present petitioner. He has thus, submitted that the investigation is at threshold and custodial interrogation of petitioner is very much required. 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.

5. 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, was alleged to have forcibly taken the complainant in their car, which was being driven by the present petitioner. In the said occurrence, the complainant received 07 injuries, which were attributed to all the accused persons, however, the main injury on the neck of the complainant has been attributed to the present petitioner. The petitioner while snatching the gold chain of the complainant, strangled his neck, which could lead to much more serious injury. Moreover, the case of co-accused Sunil Jhahria, who has been granted regular bail by learned trial Court, is not on parity with the present petitioner. Since the recovery of the gold chain is yet to effected, the custodial interrogation of the petitioner is very much required. The allegations against the petitioner are serious in nature. The investigation is at threshold.



6. 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.”*

7. 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.”

8. 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.”*



9. 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.

10. 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
ps-I

(RAJESH BHARDWAJ)
JUDGE

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