



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

Sr.No.212

**CRM-M-25588-2026
Decided on : 20.05.2026**

Bittu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Priyanshu Kamra, Advocate for the petitioner.

Ms. Amrit Kaur Mahir, AAG, Punjab.

Mr. Kanwaljeet Singh Derabassi, Advocate
for the complainant.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.129, dated 27.03.2026, registered under Sections 115(2), 126(2), 117(2), 351(2), 191(3), 190 of BNS, 2023 (Section 304 of BNS, 2023 added lateron), at Police Station Dera Bassi, District SAS Nagar, Punjab.

2. Brief facts as per the prosecution case are that the petitioner alongwith co-accused armed with iron rods attacked upon the complainant; caused injuries and threatened to kill him. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He further contends that neither the petitioner was present at the spot nor he was named in the FIR. Learned counsel contends that the allegations levelled against him are false and he has no concern with the said offence. He further contends that no injury on the vital part of the body of complainant is attributed to the petitioner. He further contends that Section 304 of BNS,



2023 has been added later on the subsequent statement of complainant on the allegation of snatching of gold chain. He further submits that Section 117(2) of BNS, 2023 has been added by the prosecution only to make the offence graver. It is further contended that there is nothing on record to connect the petitioner with the alleged offence. No recovery is to be effected from the petitioner with the said offence and, thus, his custodial interrogation is not required. Learned counsel also submits that the petitioner is ready and willing to join the investigation as and when called upon to do so by the Investigating Agency and shall fully cooperate with the investigation. On these grounds, it is prayed that the present petition be allowed.

4. On the other hand, learned State counsel has filed the status report, which is taken on record. She, while referring to the said status report, has opposed the prayer for grant of anticipatory bail by submitting that the allegations levelled against the petitioner are serious in nature. She contends that the complainant has specifically named the petitioner in the FIR and an active and vital role in the alleged occurrence has been attributed to him. She further contends that the grievous injury caused on the person of complainant has been attributed to the petitioner. Therefore, his custodial interrogation is required not only for the purpose of conducting fair investigation but also for ascertaining the identity and involvement of the remaining accused who had allegedly participated in the occurrence alongwith the petitioner and for recovery of swift car, snatched gold chain and the weapons used in the occurrence. Thus, the petitioner does not deserve any concession from this Court.



5. Mr. Kanwaljeet Singh Derabassi, Advocate has appeared and filed power of attorney on behalf of the complainant. He, while opposing the petition for anticipatory bail, has contended that the petitioner has played an active role in the crime and, thus, does not deserve the concession of bail.

6. Having heard learned counsel for the parties at length and after perusing the record, it is evident that the allegations levelled against the petitioner are serious in nature. He has been specifically named in the FIR and an active and vital role in the alleged occurrence has been attributed to him. The petitioner has caused grievous injury on the person of complainant. The custodial interrogation of the petitioner is required not only for the purpose of conducting fair investigation but also for ascertaining the identity and involvement of the remaining accused who had allegedly participated in the occurrence alongwith the petitioner and for recovery of swift car, snatched gold chain and the weapons used in the occurrence. This Court is sanguine of the fact that while considering the petition for anticipatory bail, it is required to consider the overall nature of offence and accusation against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection, at this stage. Granting anticipatory bail with such allegations, at this preliminary stage, would not be justified as it may affect the course of fair investigation and undermine and seriousness of the alleged act.

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 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."

8. 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.

9. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

20.05.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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