

CRM-M-27848-2026

2026:PHHC:077660



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Sandeep

....Petitioner

versus

State of Haryana

....Respondent

Date of decision: March 18, 2026

Date of Uploading: March 18, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Rajesh Lamba, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (earlier Section 438 of Cr. P.C.) seeking grant of anticipatory bail to the petitioner, in case bearing FIR No.0236 dated 20.04.2026, under Sections 115, 190, 191(3), 333, 351(3), 308(4) of the BNS, 2023, at Police Station Kharkhoda, District Sonipat, Haryana.

2. The gravamen of the allegations against the petitioner is that he, along with the co-accused, formed an unlawful assembly and, in furtherance of their common object, arrived at the spot to extort money from the complainant. It is further alleged that they caused injuries to the complainant in the course of committing the extortion and also extended threats to kill him.

3. Learned counsel for the petitioner has contended that a bare perusal of the FIR would reveal that the allegations levelled against the petitioner are

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wholly concocted, improbable and devoid of any merit. Learned counsel has further submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that there is no evidence of firing or demand of extortion. Learned counsel has further argued that, in fact, the dispute in hand is purely civil in nature and when the settlement could not happen, the complainant side fired 8 shots upon the petitioner side. Learned counsel has further submitted that the FIR in question was registered on 20.04.2026 at 13:32 hours, whereas the incident had occurred on 19.04.2026 between 19:00 and 19:15 hours, thus, there is unexplained delay in lodging the FIR in question.

3.1. Learned counsel has further contended that the police have not conducted a fair, proper and impartial investigation, and the inquiry conducted so far appears to be not only incomplete but also tainted with bias. Learned counsel has further submitted that no recovery is to be effected from the petitioner, and therefore his custodial interrogation is not warranted. It has been further argued that custodial interrogation cannot be used as a punitive measure and is justified only when it is absolutely necessary for the purpose of effecting recovery or for eliciting material information relevant to the investigation. Learned counsel has also submitted that the petitioner is ready and willing to join the investigation and to cooperate with the investigating agency as and when required. In these circumstances, it is contended that no useful purpose would be served by subjecting the petitioner to arrest or by sending him behind bars. On the strength of the aforesaid submissions, grant of anticipatory bail to the petitioner has been entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that specific allegations have been levelled against the petitioner in the FIR. Learned State counsel has further

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contended that the petitioner, along with his co-accused, after forming an unlawful assembly, gave injuries to the complainant side and demanded extortion money and extended threats to kill. It has further been argued that considering the nature and gravity of the allegations, there exists a reasonable apprehension that the petitioner, if granted the concession of anticipatory bail, may abscond or tamper with the prosecution evidence. Learned State counsel has also submitted that custodial interrogation of the petitioner is necessary for the purpose of conducting an effective and fair investigation and for unearthing the entire chain of events pertaining to the alleged occurrence. On the strength of the aforesaid submissions, learned State counsel has prayed that the present petition, being devoid of merit, deserves to be dismissed.

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 prosecution case, and upon a perusal of the record as well as the order passed by the Court below, it *prima facie* emerges that grave and serious allegations have been levelled against the present petitioner. It is further borne out that the petitioner, along with the other co-accused, formed an unlawful assembly and caused injuries to the complainant in order to extort money from him, besides extending threats to kill him. The petitioner, in connivance with the co-accused, resorted to muscle power for settlement of the dispute pertaining to a plot. It is, *prima facie*, revealed that the manner in which the incident was executed clearly shows that the accused persons had pre-planned the attack, and used violence to accomplish their unlawful objective. Such acts demonstrate the dangerous and violent conduct of the petitioner, making him undeserving of the extraordinary relief of anticipatory bail.

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6.1. It is also pertinent to observe that the investigation in the present case is still underway and the role of each of the accused persons is yet to be thoroughly ascertained by the investigating agency. At this stage, the custodial interrogation of the petitioner may be necessary to effectively investigate the allegations. Grant of anticipatory bail, at this juncture, may hamper the course of investigation and may also impede the efforts of the investigating agency to unearth the complete facts of the case.

7. 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.

8. 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 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 be established 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.”

8.1. Keeping in view of the seriousness and gravity of the allegations; especially the role attributed to the petitioner and necessity of custodial interrogation for a fair and thorough investigation; this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual matrix of the case in hand. 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

March 18, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No