



CRM-M-29031 of 2026 -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218

CRM-M-29031 of 2026
Date of Decision: 29.05.2026

Nasir Khan

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Arjun Kapur, Advocate
for the petitioner.

Mr. Amritpal Singh Gill, DAG, Punjab.

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.48 dated 17.03.2026 registered under Sections 115(2), 140(4), 331(3), 3(5) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (Sections 191(3) and 190 of BNS added later on and Section 3(5) deleted), at Police Station Pasyana, District Patiala.

2. Brief facts as per the prosecution case are that the petitioner along with other co-accused, abducted the victim Naresh Kumar from his house and gave beatings to him. Hence, the present FIR.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has no



CRM-M-29031 of 2026 **-2-**

concern with the said offence. He further submitted that the petitioner was neither named in the FIR, nor was present at the spot. It has also been contended that the petitioner has been nominated as an accused only on the basis of the disclosure statement made by co-accused. Apart from the disclosure statement, there is no other evidence to connect the petitioner with the offence in question and it is a trite law that disclosure statement of the co-accused during his custodial interrogation is not admissible. He argued that unexpected delay in registration of present FIR which creates serious doubt on the prosecution story. He further argued that if the contents of the FIR are taken to be true, even then no specific injury has been attributed to the present petitioner. He further argued that Section 115(2) of BNS has been added only to make the offence graver. Moreover, the petitioner has clean antecedents as he is not involved in any other case and no recovery is to be effected from him. Learned counsel has further submitted that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

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 the Court of learned Additional Sessions Judge, Patiala, vide order dated 15.04.2026.

5. On the other hand, learned State counsel has filed the status report in the matter, which is taken on record and while referring to the same, he has opposed the prayer for grant of anticipatory bail on the ground

**CRM-M-29031 of 2026****-3-**

that the allegations levelled against the petitioner are serious in nature. He argued that during investigation, co-accused Chetan Sharma disclosed that the petitioner was also involved in the occurrence dated 25.02.2025 and on his disclosure statement, the petitioner was nominated as an accused in the present case. He further argued that the petitioner was present along with other co-accused persons at the time of abducting and assaulting Naresh Kumar on 25.02.2025 and had acted in furtherance of the common intention/common object of the co-accused persons in the commission of the alleged offence. He further submitted that the petitioner is clearly visible in the CCTV footage with co-accused Jagdeep Singh Dhillon in the swift car and they along with co-accused persons forcibly abducted Naresh Kumar and thus, actively participated in the crime. He further submitted that the custodial interrogation of the petitioner is required for fair and proper investigation in the matter and identification and arrest of co-accused. Hence, he prays for dismissal of the petition.

6. Heard.

7. In the present case, the petitioner is specifically named in the disclosure statement of co-accused and the allegations against him are serious in nature. He along with other co-accused persons is alleged to have assaulted and abducted Naresh Kumar and actively participated in the crime. The co-accused are yet to be arrested. The investigation so far points towards requirement of a deeper probe for which custodial interrogation of the petitioner is required. 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 the seriousness of the alleged act.

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 wider impact of such alleged iniquities on the society. It would be apposite to refer herein judgment of the 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

**CRM-M-29031 of 2026****-5-**

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. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Thus, the present petition being devoid of merits is hereby dismissed.

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

(RUPINDERJIT CHAHAL)
JUDGE

29.05.2026
D.Bansal

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