

**CRM-M-34746-2026****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****108****CRM-M-34746-2026****Date of Decision :26.06.2026****Harwinder Kaur****...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. B.S. Bhalla, Advocate for the petitioner.

Mr. Vikas Arora, DAG, Pujnab.

Mr. Kunal Sharma, Advocate for the complainant.

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Harsimran Singh Sethi, J. (Oral)

1. Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita 2023 (hereinafter referred to as 'BNSS') for the grant of benefit of anticipatory bail to the petitioner in respect of FIR No.182 dated 31.05.2026 (wrongly mentioned as 30.05.2026 in the impugned order) registered under Sections 109,115(2),117(2), 118(1), 118(2), 351(2), 351(3), 3(5) of BNSS at Police Station Amargarh District Malerkotla (Annexure P/1).

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case though, the other co-accused are the family members of the petitioner. Learned counsel for the petitioner further submits that a civil dispute was existing between the parties being the co-villagers, due to which fact, petitioner has been falsely involved in the present case and as no allegation of inflicting any injury upon the victim has been alleged against the petitioner hence, the grant of benefit of anticipatory bail to the petitioner has

**CRM-M-34746-2026****-2-**

wrongly been denied by the trial Court vide order dated 15.06.2026 (Annexure P/6).

3. Learned State counsel keeping in view the advance copy served, submits that a statement of the victim namely, Sarwan Singh has been recorded wherein, an injury suffered on the head by the victim has been attributed to the petitioner.

4. Learned State counsel further submits that as per the doctor's opinion, three injuries suffered by the victim Sarwan Singh, have been declared as grievous and life threatening and even as of now, the weapon used in the crime is yet to be recovered for which, the custodial interrogation of the petitioner is very necessary.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. It may be noticed that the victim has suffered grievous and life threatening injuries and as per the supplementary statement of the victim, the allegation of inflicting injury on the head of the victim is also attributed to the petitioner coupled with the fact that the weapon used in the crime is yet to be recovered.

7. Further, as per the settled principle of law settled by the Hon'ble Supreme Court of India in case titled as **Adri Dharam Das vs. State of West Bengal, AIR 2005 SC 7057**, the custodial interrogation of the accused is necessary. Relevant paragraph of the said judgment is as under:-

“Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material



CRM-M-34746-2026

-3-

facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance to maintain law and order in the locality. For these or other reasons, arrest may become inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under [Section 438](#) of the Code. The role of the investigator is well-defined and the jurisdictional scope of interference by the Court in the process of investigation is limited. The Court ordinarily will not interfere with the investigation of a crime or with the arrest of accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under [Section 438](#) of the Code will amount to interference in the investigation, which cannot, at any rate, be done under [Section 438](#) of the Code.

8. In the present case, in order to recover the weapon used in committing the crime, the custodial interrogation of the petitioner is very necessary. Once, Section 34 of the IPC has been invoked and the injuries have been inflicted with predetermined common intention, the argument that no injury has been inflicted upon the victim by the petitioner, even if assumed to be true, cannot come to the rescue of the petitioner to grant anticipatory bail especially when the nature of the injuries inflicted upon the victim is not only grievous but also life threatening.

9. Keeping in view the above, no ground for the grant of benefit of anticipatory bail to the petitioner is made out and the present petition is accordingly dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

June 26, 2026

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Whether speaking/reasoned : Yes
Whether reportable : No