



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

120-1

CRM-M-56067-2025
Decided on : 24.03.2026

Vikas Sharma

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate,
Mr. Akhil Godara, Advocate and
Ms. Malini Singh, Advocate, for the petitioner(s).

Mr. Manjinder S. Bhullar, DAG, Punjab.

Ms. G.K. Mann, Sr. Advocate with
Ms. Shruti, Advocate and
Ms. Chandrika, Advocate and
Ms. Armandeep Kaur Sidhu, Advocate, for the complainant(s).

SANJAY VASHISTH, J. (Oral)

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioners, who have been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name & age of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Vikas Sharma, aged 42 years	211	17.09.2025	109, 61(2), 191(3), 190 of BNS, 2023 and 25 of Arms Act, 1959	Division No.6	Ludhiana

2. In the present case, on 01.10.2025, following order was passed by the coordinate Bench of this Court:-

“ Prayer in this petition under Section 482 of BNSS, 2023 is for grant of anticipatory bail to the petitioner in FIR No.211 dated 17.09.2025, registered under Sections 109, 61(2), 191(3), 190 of BNS, 2023 amd Section 25 of Arms Act at Police Station Division No.6, District Ludhiana.

Notice of motion.

Mr. Gorav Kathuria, DAG Punjab, accepts notice on behalf of the respondent-State.

Learned counsel for the petitioner contended that as per allegations in the FIR, the victim was assaulted by 4-5 unknown persons,



who had kept their faces muffled and he suffered serious injuries. In the FIR, it has been alleged that the complainant suspects that Virender Kumar Bansal and his son Deepak and Vikas Sharma (present petitioner) have got the injuries caused to him through hiredmen as they had been threatening him and his brother either to withdraw the tender filled up by him or to give money to them and since they had refused to do so, they have got him assaulted. Learned counsel further contended that petitioner was named merely on the basis of suspicion and police had initially arrested Virender Kumar Bansal and his son Deepak Kumar and they were also remanded to judicial custody but later on, police has got them discharged finding them to be innocent. Learned counsel further contended that disclosure statements suffered by two of the assailants namely Jagjit Singh and Saraj Singh that petitioner had hired them to assault the complainant is not admissible in evidence. There is no other evidence except disclosure statement including any phone call details to connect him with these two assailants. Learned counsel contended that petitioner is ready to join the investigation and to abide by the conditions that may be imposed by the Court and benefit of anticipatory bail be extended in his favour.

On the other hand, learned State counsel assisted by Ms. G.K.Mann, Sr. Advocate has opposed the bail and argued that petitioner is the main accused who had hired the co-accused who launched the attack upon the victim. The custodial interrogation of the petitioner is essential to find out the modus operandi and his complicity in committing the crime and he does not deserve the concession of anticipatory bail.

Adjourned to 01.12.2025 for filing status report. Meanwhile, the petitioner is directed to join the investigation and in the event of his arrest, he shall be admitted to ad-interim bail on furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer, subject to the following conditions as envisaged under Section 482(2) of the BNSS [erstwhile Section 438(2) Cr.P.C.]:-

- i) that the petitioner shall make himself available for interrogation by a police officer as and when required;*
- ii) that the petitioner 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/her from disclosing such facts to the Court or to any police officer;*
- iii) that the petitioner shall not leave India without the prior 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."*

3. Continuing his submissions, learned Senior counsel contends that in compliance with the order dated 01.10.2025 passed by the Coordinate Bench of this Court, the petitioner has joined the investigation and has fully cooperated. Therefore, he prays for confirmation of the interim anticipatory bail order.

4. On the other hand, learned State counsel and learned Senior counsel for the complainant submit that though the petitioner joined the investigation initially on 30.10.2025 and again on 13.11.2025, as reflected in the status report dated 26.11.2025 (already on record), he has not fully



cooperated. It is further submitted that vital information regarding transactions with co-accused Luvgurpreet @ Deepak Deora, including the source of funds, has not been disclosed by the petitioner. Therefore, such information can only be elicited through custodial interrogation.

5. I have heard learned counsel for the parties and have gone through the relevant material on record.

6. In paragraph No.12 of the status report, it has been stated that the complainant Vishal Gupta (wrongly typed as 'Nikash Gupta' in the status report) suffered three injuries, details of which are as under:-

- “(i) a lacerated wound measuring 6-7 cm x 2 cm over the right temporal region of the scalp.*
- (ii) a punctured wound on the right leg.*
- (iii) lacerations over the dorsum of the right hand, with the X-ray showing a fracture of the middle phalanx of the right middle finger. The nature of injuries has been opined as grievous, which showed fracture of leg and finger bones.”*

7. On being asked by the Court, it is confirmed that injury No.1 was declared simple in nature; however, the other two injuries, i.e., on the right leg and finger bones, were declared grievous, and therefore Section 109 of BNS, 2023 was attracted.

As per the contention of the petitioner's counsel, three accused had assaulted the injured Vishal Gupta, namely (i) Saraj Singh @ Jagga, (ii) Jagdeep Singh @ Jaggi, and (iii) Luvgurpreet @ Deepak Deora. All three were arrested and subsequently granted regular bail by the trial Court.

The complainant had also named three suspects, namely (i) Virender, (ii) Deepak, and (iii) Vikas Sharma (petitioner herein).

8. It is submitted by learned Senior counsel for the petitioner that the other two persons, namely Virender and Deepak, were found innocent and discharged during investigation, as no evidence was found against them.

Petitioner, apprehending arrest, has already joined the investigation pursuant to the ad-interim order passed by the Coordinate Bench of this Court.

9. After examining the entire record, this Court finds that, at this stage, the culpability of the petitioner need not be determined. The objection of the learned State counsel that the petitioner has not cooperated and has failed to disclose certain facts cannot be fully appreciated, as the law does



not permit compelling an accused to provide evidence against himself. It is the bounden duty of the investigating agency to collect evidence independently.

Furthermore, allegations against the petitioner do not pertain to direct involvement in causing injuries to the victim.

10. In the totality of the circumstances, and in view of the admitted position that the petitioner joined the investigation on 30.10.2025 and again on 13.11.2025, this Court does not find any substantial reason to subject the petitioner to custodial interrogation for any meaningful purpose.

Accordingly, since the petitioner has already joined the investigation and custodial interrogation is no longer required, the ad-interim bail order dated 01.10.2025 is hereby made **absolute**. However, petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

11. Accordingly, petition stands **disposed of**, accordingly.

12. However, present order would be subject to the submission of passport of the petitioner to the Investigating Agency or to Court concerned, if he possesses, within a period of one week from today. Otherwise, he would submit an affidavit, disclosing the fact that he does not possess any passport.

It is clarified that in case, aforesaid condition is not complied with, this order would be considered as *non est* automatically.

Pending misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

March 24, 2026

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No