



CRM-M-65604 of 2025

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

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CRM-M-65604 of 2025

Date of Decision: 03.02.2026

Kashish Duggal

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Ravinder Singh, 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 petitioners in case FIR No.78 dated 19.05.2025 registered under Sections 191(3), 190 109 and 115(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 25 of the Arms Act, at Police Station Civil Lines, District Amritsar.

2. Brief facts as per the case of the prosecution are that the petitioner along with co-accused gave beatings to the complainant and also fired a gunshot with an intention to kill him. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He argued that the petitioner was not named in the FIR and initially, the same was registered against unknown persons. It has also been contended that during investigation, co-accused Balram Sharma was arrested

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and the petitioner has been nominated as an accused only on the basis of the disclosure statement made by the said co-accused Balram Sharma. 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 further argued that the petitioner was only standing near the spot of occurrence, which cannot amount to participation in the crime. No recovery is to be effected from the petitioner. 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, Amritsar, vide order dated 01.08.2025.

5. On the other hand, learned State counsel, replying upon the status report, has opposed the prayer for grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature. He argued that the petitioner has been specifically named in the disclosure statement of co-accused Balram Sharma and as per his disclosure statement, it was the petitioner who broke beer bottle on the head of the complainant. He further argued that the petitioner took out his pistol and fired a gunshot towards the head of the complainant with an intention to kill him. He has further submitted that the petitioner is also involved in other cases meaning thereby he is a habitual offender. He further submits that the custodial

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interrogation of the petitioner is required for fair and proper investigation in the matter, to recover the weapon of offence and identification and arrest of other co-accused. Hence, he prays for dismissal of the petition.

6. Heard.

7. In the present case, the petitioner was specifically named in the disclosure statement of co-accused Balram Sharma and the allegations against him are specific and serious in nature. The petitioner is alleged to have fired a gunshot on the head of the complainant with an intention to kill him and thus, he along with other co-accused has actively participated in the crime. The injury sustained by the complainant is stated to be grievous in nature. The weapon of offence is yet to be recovered and co-accused are yet to be arrested. While considering plea for grant of anticipatory bail, this Court 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. Considering the gravity of the allegations, the custodial interrogation of the petitioners is necessary for effective investigation in the matter.

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



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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."

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

03.02.2026
D.Bansal

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