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

**CRM-M No.66208 of 2025 (O&M)
Decided on: 26.02.2026**

Savita Rani and others

..... Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Kanisth Ganeriwala, Advocate
for the petitioners.

Ms. Ramta Chowdhary, DAG, Punjab.

Mr. Munish Garg, Advocate
for the complainant.

RAJESH BHARDWAJ, J.

CRM-5513-2026

Allowed as prayed for.

CRM-M-66208-2025

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioners in case bearing FIR No.130, dated 10.10.2025, under Sections 115(2), 333, 351(2)(3), 190, 191(3) of BNS, 2023, registered at Police Station Tara Mandi, District Barnala.
2. Perusal of the file shows that on the submissions made by learned counsel for both the sides that there are chances of an amicable settlement between the parties, the matter was referred to the Mediation &



Conciliation Centre of this Court to explore the possibility of an amicable settlement. The matter between the parties was compromised before the Mediation & Conciliation Centre of this Court and in lieu of the same, report of the Mediator has also been received. On the basis of the compromise entered into between the parties, this Court vide order dated 10.02.2026, directed the petitioners to join the investigation, however the petitioners thereafter backed out from the compromise. Learned counsel for the complainant, at the outset, has submitted that he is still ready to abide by the terms and conditions of the compromise arrived at between the parties, however, learned counsel for the petitioners, at the outset, has submitted that the matter be heard on merits.

3. In view of the above position, it is evident that the petitioners had backed out from the compromise as arrived at between the parties before the Mediation & Conciliation Centre of this Court, now the present matter is being heard on merits.

4. Succinctly, the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Arun Kumar. It was alleged that the complainant was running a proprietorship firm of commission agent at Tapa and his brother, namely, Anil Kumar (petitioner No.2) was the manager of the same. It was alleged that the said firm was having three bank accounts and out of which, one account is in State Bank of India, second is in HDFC Bank and the third account is in Axis Bank. In the SBI account, brother of the complainant being the manager, could deposit/withdraw the amount with his consent for payment to the farmers and the said account was used only for their



business. It was alleged that on 20.05.2025, brother of complainant, namely, Anil Kumar transferred an amount of Rs.13,80,000/-from the SBI account vide cheque No.206450 in Anil Trading company and when the complainant came to know about the same and told his brother to return the said amount, he quarreled with the complainant. On 20.09.2025, at about 08:15 P.M., the complainant was sitting on a chair in front on his house and in the meantime, his brother, namely, Anil Kumar (petitioner No.2), his sons, namely, Sahil Goyal, Hitesh Goyal (petitioner No.3), his wife, namely, Savita (petitioner No.1) along with 9-10 persons, armed with rods, Kirpans and sticks, came there. They all opened attacked on the complainant. The complainant to save himself went inside the house, however they trespassed his house and started giving legs and fist blows in the porch of the house. Hitesh Goyal also stick blows on the leg of the complainant and then, the complainant fell down and raised alarm. Thereafter, on hearing the noise/sound of wife of complainant, namely, Monika Goyal came out from the room but the other accused, also started abusing and threatening her. In the meantime, Suraj Bhan, Happy Garg and Meghraj came at the spot and then, rescued him from their clutches. Thereafter, brother of complainant, Anil Kumar along with family members and others left the spot while giving threats to him. The complainant was got admitted in the hospital for treatment. Thus, request was made to take legal action against the accused persons. On the basis of the same, the FIR was registered. On registration of the FIR, the investigation commenced. Apprehending their arrest, the petitioners approached the Court of learned Additional Sessions Judge, Barnala



praying for the grant of anticipatory bail, however, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Barnala declined the bail application filed by the petitioners vide order dated 17.11.2025. Hence being aggrieved, the petitioners are before this Court by way of filing the present petition praying for the grant of anticipatory bail.

5. Learned counsel for the petitioners has vehemently contended that the petitioners have been falsely implicated in the present case. He has submitted that the present FIR has been registered against the petitioners only because of the political vendetta. He has submitted that the alleged occurrence took place on 20.09.2025, whereas the present FIR has been registered on 10.10.2025, i.e. after an unexplained delay of 20 days. He has further submitted that no injury has been suffered by the complainant and neither the complainant went to the hospital nor he had taken any kind of treatment as no admission or intimation has been received at the police station from any hospital on 20.09.2025. He has further submitted that no criminal offence has taken place as alleged by the complainant and the sole grievance of the complainant regarding the running of joint business. He has further submitted that all the offences are bailable except under Section 333 BNS. To buttress his arguments, he has relied upon the various judgments as passed in '*Nikesh Tara Chand Shah vs. Union of India*', 2017(13) Scale 609, '*Gurbaksh Singh Sibbia vs. State of Punjab*', (1980) 2 SCC 565; '*Nagendra vs. King Emperor*', AIR 1924 Calcutta 476, '*Emperor vs. Hutchinson*', AIR 1931 Allahabad 356 and '*Hussainara Khatoon and others v. Home Secretary, State of*



Bihar, Patna', (1980) 1 SCC. He has produced a copy of settlement/compromise dated 29.11.2025 before this Court and has submitted that the matter between the parties has been amicably resolved. He has submitted that no *prima facie* case as alleged against the petitioners is made out and, thus, the petitioners deserve to be granted anticipatory bail.

6. He has further submitted that in pursuance to order dated 10.02.2026, the petitioners have already joined the investigation and fully cooperated with the same and thus, the interim order may kindly be made absolute.

7. Status report dated 25.02.2026 by way of an affidavit of Gurpreet Singh, PPS, Deputy Superintendent of Police, Sub Division Tapa, District Barnala on behalf of the respondent-State has been filed by learned State counsel today in the Court, which is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

8. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by counsel for the petitioners. He submitted that the allegations against the petitioners are serious in nature. He has submitted that the petitioners along with his family and 9-10 unidentified persons formed an unlawful assembly and after forcibly entered into the house of the complainant, had caused injuries to him with kicks, punches and sticks. He has further submitted that there are clear and cogent allegations against the petitioners and their custodial interrogation is required for further investigation and in case, the petitioners granted the concession of anticipatory bail, they will tamper with the evidence and terrorize into silence. He has further submitted that



the weapons used in the offence, i.e. rods, kirpan and sticks are yet to be recovered and till now, only a wooden stick has been recovered from petitioner No.3. He has submitted that the commission of offence as alleged is a well planned conspiracy stemming from a financial dispute. He has further relied upon the judgments passed by Hon'ble the Supreme Court in '*State of Gujarat vs. Mohanlal Jitamalji Porwal*', (1987) 2 SCC 364 and '*Sushila Aggarwal and others vs. State (NCT of Delhi) and another*', (2020) 5 SCC 1. He has submitted that there is involvement of 9-10 other persons also in the commission of offence, who were the part of unlawful assembly and for identity and specific roles of these unknown persons, custodial interrogation of the petitioner is required. He has submitted that there was a transaction of Rs.13,80,000/- by petitioner No.2 from BI account to Anil Trading company, which resulted into attacked with rods, kirpan and stick upon the complainant by the petitioners.

9. Learned counsel for the State has further submitted that in compliance of order dated 10.02.2026 passed by this Court, the petitioners have joined the investigation. However, they have evasive in their responses and have not fully cooperated with the investigation. He has further submitted that custodial interrogation of petitioners No.2 & 3 is very much required for the ongoing investigation. He has further submitted that the reason for delay in lodging the FIR has been explained by the complainant and he has stated that the attempts for compromising the matter were being made, but failed. He has further submitted that the investigation is at the initial stage and the challan under Section 193



BNSS is yet to be presented before the Competent Court.

10. Learned counsel for the complainant, however, has opposed the submissions made by learned counsel for the petitioners. He has submitted that the petitioners have played an active role in commission offence. He has further submitted that the matter between the parties had earlier been compromised but the petitioners have backed out of the same. He has thus, submitted that no case for the grant of anticipatory bail to the petitioners is made out and thus, the present petition deserves to be dismissed.

11. I have heard learned counsel for the parties and perused the record with their able assistance.

12. After hearing learned counsel for the parties and perusing the record, **the present petition is allowed qua petitioner No.1, namely, Savita Rani** and the order dated 10.02.2026 is made absolute subject to compliance of conditions as envisaged under Section 482(2) of Bhartiya Nagrik Suraksha Sanhita, 2023.

13. So far as petitioners No.2 & 3 are concerned, this Court is not inclined to grant the concession of anticipatory bail. The allegations against petitioner No.2 are that he transferred an amount of Rs.13,80,000/- from SBI account of the firm to his trading company and on asking of the complainant to return the same, petitioner No.2 along with his wife, i.e. petitioner No.1; his son, i.e. petitioner No.3 along with 9-10 other persons forcibly entered into the house of the complainant and gave kirpan, sticks and rods blow to him. Time and again, the petitioners gave threats to the complainant. Perusal of the file shows that on the request of both the sides, the matter was referred to the Mediation &



Conciliation Centre of this Court and the same was settled before it. Report from the Mediation & Conciliation Centre of this Court has already been received, which is taken on record. And on the basis of compromise, the petitioners were granted the interim bail, however, they backed out from the same. The counsel for the petitioners failed to convince the Court regarding the failure to comply with the conditions of the compromise as undertaken before this Court and in view of the settlement arrived at between the parties before the Mediation & Conciliation Centre of this Court. This Court finds that evidently the investigation is at threshold. The interim protection granted to the petitioners was only on the ground that the parties have compromised the matter and however, the conduct of the petitioners would show that the same has been misused. The allegations against petitioners No.2 and 3 are serious in nature as they have played an active role in the commission of offence. Grant of anticipatory bail at this stage would seriously prejudice the ongoing investigation. The case of petitioners No.2 & 3 is clearly distinguishable from that of petitioner No. 1, who has already joined the investigation and is no longer required for custodial interrogation. Petitioners No.2 and 3 have been specifically named in the FIR and overt act has been attributed to them. Petitioner No.2, Anil Kumar as well as petitioner No.3 Hitesh Goyal had forcibly entered into the house of complainant and started kicking and punching him in the porch of his house. Hitesh Goyal, i.e. petitioner No.3 further hit with stick on the legs of complainant and his weapon, i.e. the stick has already been recovered from him. The other weapons of offence are yet to be recovered.



14. The Hon'ble Supreme Court in a recent judgment of '*Gajanan Dattatray Gore Vs. State of Maharashtra*', 2025 INSC 913' has held that bails should not be granted solely on the undertaking given by the accused persons. The relevant part of the same reads as under:-

'Be that as it may, now we have made ourselves very clear that there shall not be a single order that the High Courts and the Trial Courts shall pass for grant of regular bail or anticipatory bail on the basis of any accused or his/her family members giving an undertaking to deposit a particular amount. The plea shall be decided strictly on merits in accordance with law. If the case is made out on merits the court may exercise its discretion and if no case is made out on merits the court shall reject the plea for regular bail or anticipatory bail as the case may be. However, in any circumstances the High Courts or trial courts shall not pass a conditional order of regular bail or anticipatory bail.'

15. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

482“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) *a condition that the person 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 from disclosing such facts to the Court or to any police*



officer;

(iii) a condition that the person shall not leave India without the previous 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.”

16. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulted by a pre-arrest bail during the time he 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 task of disintering offences would not conduct themselves as offenders.”

17. Hon'ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab**, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and



probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

18. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of petitioners No.2 & 3 has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to petitioners No.2 & 3 at this stage would scuttle the ongoing investigation.

19. In view of the facts and circumstances of the present case, this Court is of the opinion that petitioners No.2 & 3 does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, **the petition being devoid of any merit is hereby dismissed qua petitioners No.2 & 3.**

20. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

26.02.2026
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(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No