



CRM-M-71006 of 2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-71006 of 2025
Date of Decision: 05.02.2026

Mubin

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Sanyam Khetarpal, Advocate for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

Mr. Saleem Ahmed, Advocate for the complainant.

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.626 dated 01.11.2025 registered under Sections 115, 118(1), 190, 191(2), 324(4) and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (Sections 109(1), 118(2) and 238(C) of the BNS added later on), at Police Station Suraj Kund, District Faridabad.

2. Brief facts as per the prosecution case are that the petitioner along with other co-accused, armed with deadly weapons, attacked Rijwan and Mossin (sons of the complainant) and caused injuries to them with an intention to kill them. 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

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said offence. He argued that in fact, the petitioner and his family members are the victims in the present case as FIR No.628 dated 01.11.2025 was lodged by the petitioner against the complainant party and the present FIR No.626 dated 01.11.2025 was registered as a counter blast. He submitted that there is old enmity between the parties and out of a grudge against the petitioner and his family members, the present FIR has been lodged. 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 and in fact, he went to the spot only to save his brother who was being beaten by the complainant party. He further argued that Sections 109(1) and 118(2) of BNS has been added later on, only to make the offence graver. 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, Faridabad, vide order dated 08.12.2025.

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 that the allegations levelled against the petitioner are serious in nature. She argued that the petitioner has been specifically named in the FIR. She further argued that the petitioner along with other co-accused had formed an unlawful

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assembly, armed with deadly weapons, attacked the complainant party and caused serious injuries to them and there are specific allegations against the petitioner for causing grievous injuries to the complainant party. She further submitted that the petitioner is also involved in other cases meaning thereby he is a habitual offender. She further submits that the custodial 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, she prays for dismissal of the petition.

6. Learned counsel for the complainant adopts the submissions made by learned State counsel and while opposing the prayer for grant of anticipatory bail to the petitioner, has contended that the petitioner has played an active role in the crime and, thus, does not deserve the concession of bail.

7. Heard.

8. In the present case, the petitioner was specifically named in FIR and the allegations against him are specific and serious in nature. There are specific allegations of causing grievous injuries against him. As per status report, the investigation is still going on, the weapon of offence is yet to be recovered, the petitioner along with other co-accused has actively participated in the crime. The investigation *prima facie* point towards requirement of deeper probe for which custodial interrogation of the petitioner is required. 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



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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.

9. 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 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."

10. 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.

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

05.02.2026

D.Bansal

(RUPINDERJIT CHAHAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No