



2025:PHHC:139161



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

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Date of decision: 06.10.2025

Kavita alias Sonia

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Mahavir S. Sharma, Advocate for the petitioners.

Mr. Baljinder Singh Sra, Addl. A.G. Punjab.

Mr. Avneet Singh Cheema, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of BNSS, 2023 in FIR No.374 dated 05.08.2025 registered for offences punishable under Sections 115(2), 117(2), 126(2), 303(2), 351(3) and 3(5) of BNS, 2023 at Police Station Zirakpur, SAS Nagar, Mohali, Punjab.

2. The gravamen of the FIR reflects that on 16.07.2025, the complainant namely Veerpal Kaur, wife of Gurjit Singh, residents of AKS Home Welfare Society, Zirakpur, alleged that she went to her parental home in village Bebal Khurd, District Faridkot, due to death of her father and returned on 27.07.2025. The next day i.e. 28.07.2025, around 03:00 PM, while the husband of the complainant was away at the bank for work and the complainant was alone at home. At that time, her neighbours namely Piya Singh and Sonia Singh (petitioner herein), started shouting and abusing the complainant in filthy language. When the complainant came outside,



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both of the aforesaid accused threatened to kill her if she did not vacate the house. The aforesaid accused also issued threats that they would call the goons to beat the complainant and her husband. When the complainant tried to stop them, accused Piya Singh brought a stick from his house and hit her. The complainant tried to protect herself with her left arm but the stick hit her arm, then her left leg, and finally her back. The complainant fell down after which accused Piya Singh grabbed her by the hair and accused Sonia Singh (petitioner herein) kicked her in the stomach. Accused Sonia Singh also tried to strangle the complainant while accused Piya Singh continued to drag the complainant by the hair. When the complainant raised the alarm and some of the neighbours gathered on the spot, the accused ran away. Thereafter, the complainant became unconscious and was admitted to the Civil Hospital, Dhakoli by her husband for treatment. Based on this set of allegations, the instant FIR came to be registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the present FIR is a gross abuse of the process of law and has been lodged with *mala fide* intention only to harass the petitioner and her sister, namely Piya Singh. Learned counsel has further iterated that prior to the registration of the present FIR, the sister of the petitioner, namely Piya Singh, had already filed multiple complaints before the concerned authorities against the complainant and her husband alleging their involvement in illegal activities being carried out from their residential flat, which is adjacent to that of the petitioner. According to learned counsel, despite repeated written complaints by the petitioner, no action was taken by the Police. Instead a



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false and fabricated FIR was registered after an unexplained delay of 09 days only to shield the complainant and falsely implicated the petitioner and her sister. It has been further submitted that the petitioner suffers from psychiatric illness and has been under treatment as evidenced by the medical documents annexed as Annexure P-2 and P-3. Learned counsel has further iterated that the allegations against the petitioner are vague, baseless and appear to be motivated by malice. Learned counsel has further submitted that despite there being no direct or indirect involvement of the petitioner in the alleged occurrence, he has been roped into the present case without any credible evidence. Learned counsel has further submitted that there is no need for custodial interrogation of the petitioner as nothing incriminating remains to be recovered from her. Moreover, there is no likelihood of the petitioner absconding from the process of justice or tampering with the prosecution evidence in case she is enlarged on pre-arrest bail. On strength of these submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has vehemently opposed the grant of anticipatory bail to the petitioner by arguing that the allegations against the petitioner are serious in nature. Learned State counsel has iterated that the petitioner has been specifically named in the FIR. Furthermore, the prosecution version stands duly corroborated by the medical records of the complainant-injured. Considering the nature of allegations, the custodial interrogation of the petitioner is necessary to recover the weapon of offence and to verify the authenticity of digital evidence. It has further been emphasized that releasing the petitioners on bail at this crucial stage may hamper the ongoing investigation and



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potentially lead to tampering with evidence or influencing of witnesses. Accordingly, a prayer has been made for the dismissal of the instant petition.

5. Learned counsel appearing for the complainant has vociferously opposed the grant of anticipatory bail to the petitioner by arguing that when the complainant was alone at home, the petitioner and her sister namely Piya Singh abused, threatened and assaulted her with a stick and caused multiple injuries. It has been submitted that thereafter, the complainant was immediately admitted to the Civil Hospital, Dhakoli, and her Medico-Legal Report duly corroborates the alleged assault and the nature of injuries sustained. Learned counsel has further submitted that granting anticipatory bail at this stage would seriously prejudice the investigation and embolden the accused persons. Thus, the dismissal of the instant petition is prayed for.

6. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

7. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in the case titled as ***Sumitha Pradeep vs. Arun Kumar C.K. and another, 2022(4) RCR (Criminal) 977***, relevant whereof reads as under:

“12. In a case containing such serious allegations, the High Court ought not to have exercised its jurisdiction in granting protection against arrest, as the Investigating Officer deserves freehand to take the investigation to its logical conclusion. It goes without saying that appearance before the Investigating Officer who, has been prevented from subjecting Respondent No.1 to custodial interrogation, can hardly be fruitful to find out the prima facie substance in the allegations, which are of extreme serious in nature.



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16. *In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”*

8. As per the case put forth in the FIR, indubitably, serious allegations have been levelled against the petitioner. The FIR was lodged on the basis of a complaint submitted by the complainant, who alleged that while she was alone at home, she was physically assaulted by the petitioner and her sister, namely Piya Singh, with a stick. During the alleged occurrence, the complainant is stated to have sustained as many as five injuries, one of which is grievous in nature, and was hospitalized on account of the same. After perusing the material on record, this Court is of the considered opinion that the allegations against the petitioner are grave and specific. The FIR discloses a prima facie case involving physical assault and criminal intimidation. The injuries sustained by the complainant stand medically corroborated, and her statement finds support from independent witnesses. The plea of false implication cannot be accepted at this stage,

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particularly when the investigation is at a nascent stage and crucial evidence is yet to be collected.

8.1. The nomination of the petitioner is not based on mere suspicion but is supported by corroborative medical evidence and eyewitness testimony. The contention regarding the delay in registration of the FIR does not, in itself, weaken the prosecution's case, particularly given the hospitalization of the complainant for serious injuries. The nature of the injuries reflects the severity of the alleged act. The weapon allegedly used by the petitioner has not yet been recovered, and the investigating agency has sought the custodial interrogation of the petitioner for effective recovery, verification of facts, and for establishing any broader conspiracy, if any, behind the occurrence. No plausible cause has been shown at this stage from which it can be inferred that the petitioner has been falsely implicated. It goes without saying that the complainant has categorically stated that she was attacked in a brutal group assault with a deadly weapon.

9. Furthermore, from the material placed on record that the role attributed to the present petitioner is distinct and graver than that of the co-accused namely Piya Singh. The co-accused has already been arrested subjected to custodial interrogation and subsequently granted regular bail after due investigation. The case of the present petitioner, however, stands on an entirely different footing, as she has yet to join investigation and her custodial interrogation is required for ascertaining the complete sequence of events, the recovery of the weapon of offence, and verification of the allegations relating to the snatching of the gold chain at the time of the incident. Furthermore, the allegations levelled against the present petitioner



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are serious and specific in nature, involving not only physical assault resulting in grievous hurt but also criminal intimidation and theft.

10. 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. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Hon'ble Supreme Court held as under : (SCC p. 189, para 6)

“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 informations 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.”



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11. In view of the nature as also seriousness of allegations, it may not be possible for the investigating agency to unravel the entire truth if the petitioner is armed with a protective order. Moreover, it is the specific stand of the State that the custodial interrogation is necessary to take the investigation to its logical end and to conclude fair and meaningful investigation.

12. In view of the above, the instant petition deserves to be dismissed. Ordered accordingly.

13. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

14. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

October 06, 2025

Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No