



2025:PHHC:139169



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

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Date of decision: 06.10.2025

Sunny @ Nishant

....Petitioner

V/s

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Hardial Singh Batth, Advocate for the petitioner.

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

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.0147 dated 16.06.2025, registered for the offences punishable under Sections 115(2), 126(2), 117(2), 117(3), 3(5) of BNS, at Police Station City Rupnagar, District Rupnagar.

2. The gravamen of the FIR pertains to an incident wherein the complainant has alleged that he resides in a joint family house alongwith his father namely Rakesh Kumar, grandmother namely Rukmani and aunt namely Teesha, who resides there with her son namely Sunny @ Nishant (petitioner herein). The complainant alleged that the dispute arose over the use of a washing machine purchased by his father. As per the complainant accused Sunny @ Nishant (petitioner herein) assaulted his father on account of the fact that his father did not allow the petitioner to use the washing machine. It is further alleged that when the complainant reached the house

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after receiving a call from his father, he found the accused - petitioner namely Sunny @ Nishant standing along with his friends namely Shivam and Harry. Upon questioning them about the incident, the co-accused Shivam allegedly caught the complainant by his shirt while co-accused Harry handed a sword to accused Sunny @ Nishant (petitioner herein), who then attacked the complainant and caused injuries on his left leg, left arm, and left wrist. On these set of allegations, the instant FIR was registered and investigation ensued.

3. Learned counsel for the petitioner iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that the petitioner and the complainant are close relatives residing in the same ancestral house. According to learned counsel, the father of the petitioner has since expired and the family property was being owned and managed by the grandmother of the petitioner namely Smt. Rukmani. It has been further argued that in order to avoid daily quarrels, the grandmother executed a written family settlement dated 11.01.2025 (copy whereof has been annexed as Annexure P-2 with the present petition), through which the ground floor of the property was allotted to the petitioner and his widowed mother while the first floor was given to the family of the complainant. Learned counsel has further submitted that no objection was ever raised to this arrangement during the lifetime of the grandmother and that after her demise, the complainant and his family started creating disputes in order to forcibly occupy the ground floor portion. It has been further contended that the present FIR is false and motivated and lodged only to harass the petitioner and his mother.



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Furthermore, the alleged injuries are simple in nature which has been caused by a blunt weapon and are on non-vital parts of the body. Learned counsel asserts that the petitioner is an innocent who has been wrongfully accused of an offence he never committed. Moreover, the present FIR appears to be nothing more than a calculated attempt to harass and humiliate the petitioner. It is further submitted by the learned counsel that the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. On the basis of the aforementioned submissions, the grant of the instant petition is entreated for and the petitioner be granted the concession of the anticipatory bail.

4. *Conversely*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. He submits that the petitioner has actively participated in the incident and the complainant has sustained multiple injuries caused by a sharp-edged weapon, as per the MLR. It is argued that the attack was deliberate and premeditated, and the involvement of the petitioner is apparent from the statements of the eyewitnesses. Given the severity of the allegations, the recovery of the weapon of offence and the ascertainment of the precise role of each accused, custodial interrogation of the petitioner is necessary. Accordingly, the dismissal of the instant petition is prayed for.

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

6. It would be apposite to refer herein to a judgment of the Hon'ble Supreme Court titled as ***Kishor Vishwasrao Patil vs. Deepak***



Yashwant Patil and another passed in ***SLP(Crl) No.1125-2022***, relevant whereof reads as under:

“74. Ordinarily, arrest is a part of the process of the investigation intended to secure several purposes. There may be circumstances in which the accused may provide information leading to discovery of material facts and relevant information. Grant of anticipatory bail may hamper the investigation. Pre-arrest bail is to strike a balance between the individual's right to personal freedom and the right of the investigating agency to interrogate the accused as to the material so far collected and to collect more information which may lead to recovery of relevant information.

xxx	xxx	xxx	xxx
xxx	xxx	xxx	xxx

*75. Observing that the arrest is a part of the investigation intended to secure several purposes, in **Adri Dharan Das v. State of W.B. [Adri Dharan Das v. State of W.B., (2005) 4 SCC 303 : 2005 SCC (Cri) 933]** , it was held as under : (SCC p. 313, para 19)*

“19. Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance, to maintain law and order in the locality. For these or other reasons, arrest may become an inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 of the Code. The role of the investigator is well defined and the jurisdictional scope of interference by the court in the process of investigation is limited. The court ordinarily will not interfere with the investigation of a crime or with the arrest of the accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under Section 438 of the Code will amount to interference in the investigation, which cannot, at any rate, be done under Section 438 of the Code.”



76. In **Siddharam Satlingappa Mhetre v. State of Maharashtra** [**Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514**], the Supreme Court laid down the factors and parameters to be considered while dealing with anticipatory bail. It was held that the nature and the gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made and that the court must evaluate the available material against the accused very carefully. It was also held that the court should also consider whether the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.

77. After referring to **Siddharam Satlingappa Mhetre** [**Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514**] and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in **Jai Prakash Singh v. State of Bihar** [**Jai Prakash Singh v. State of Bihar, (2012) 4 SCC 379 : (2012) 2 SCC (Cri) 468**], the Supreme Court held as under : (SCC p. 386, para 19)

“19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroled in the crime and would not misuse his liberty. (See **D.K. Ganesh Babu v. P.T. Manokaran** [**D.K. Ganesh Babu v. P.T. Manokaran, (2007) 4 SCC 434 : (2007) 2 SCC (Cri) 345**], **State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain** [**State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain, (2008) 1 SCC 213 : (2008) 1 SCC (Cri) 176**] and **Union of India v. Padam Narain Aggarwal** [**Union of India v. Padam Narain Aggarwal, (2008) 13 SCC 305 : (2009) 1 SCC (Cri) 1**].)”

Economic offences

78. Power under Section 438 CrPC being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In **Directorate of Enforcement v. Ashok Kumar Jain** [**Directorate of Enforcement v. Ashok Kumar Jain, (1998) 2 SCC 105 : 1998 SCC (Cri) 510**], it was held that in economic offences, the accused is not entitled to anticipatory bail.”

15. In **Sushila Agrawal and others v. State (NCT of Delhi) and Another** reported in (2020) 5 SCC 1, Constitution Bench of this Court



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held that while considering an application for grant of pre-arrest bail the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence or likelihood of fleeing justice. The Court held:-

“92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court.”

7. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The allegations against the petitioner and his co-accused are not only specific but also supported by the medical evidence showing multiple injuries on the body of the complainant. The alleged assault with a sword, even if on non-vital parts, *prima facie* reveals an intention to cause grievous hurt. The mere fact that the injuries are not on vital parts cannot, by itself, dilute the gravity of the offence at this stage. Furthermore, the dispute regarding the ownership and possession of the house cannot form basis to inflicted injuries with a weapon. The FIR *ibid* discloses a clear and direct role attributed to the petitioner. The plea that the FIR is false and fabricated is questions of fact that cannot be adjudicated at the stage of consideration of the anticipatory bail.

8. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR. The medical record purportedly seems to be corroborating the prosecution/complainant version that the petitioner



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(herein) gave blows of sword on the left leg, left arm and left wrist of the complainant. As per the MLR, 06 injuries have been inflicted on the person of the complainant whereas injury No.1 was declared to be grievous in nature while injuries Nos.2 to 6 were simple in nature but the same were caused with blunt weapon. It goes without saying that in the instant case, the complainant has categorically stated that the petitioner along with co-accused and as part of an unlawful assembly, acted in furtherance of their common object to inflict multiple injuries upon the complainant.

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. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The medical records substantiate the nature and extent of the injuries sustained by the complainant. 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 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.”

10. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner may be necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby dismissed.

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

12. 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