

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2025:PHHC:141742



107

CRM-M-57738-2025

Date of decision: 14.10.2025

Narinder Kumar and another

....Petitioners

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Jasbir Singh Dadwal, Advocate for the petitioners.

Mr. Gurpartap S. Bhullar, AAG, Punjab.

Mr. Madan Lal Saini, Advocate for the complainant.

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 petitioners in case bearing FIR No.133 dated 23.09.2025, registered for the offences punishable under Sections 61(2), 115(2), 333, 351(1), 351(3), 324(4), 324(5) of BNS 2023, at Police Station Kathgarh, District Shaheed Bhagat Singh Nagar.

2. The gravamen of the FIR in question reflects that the FIR was registered on the basis of a statement made by Ram Kumar, son of Mohan Lal, resident of Village Natha Nangal, Police Station Kathgarh, District SBS Nagar, who is employed as a primary school teacher. According to him, on 22.09.2025 at around 2:15 PM, while he was present at his residence along with his family, accused Narinder Kumar (son of Dev Raj) and Kamal Kumar (son of Thakur Das), both residents of the same village, were found standing outside his house, hurling abuses and threatening him that they would not allow him to reside there. It was further alleged that, in pursuance

of a common plan and in conspiracy with Narinder Kumar, accused Sunny Deol (son of Kamal Kumar) and Santokh Singh Soni (son of Gian Singh) forcibly entered in the house of the complainant, armed with swords (kirpans), and launched an assault on the complainant and his family. The co-accused of the present petitioners namely Santokh Singh is stated to have inflicted a kirpan blow on the complainant's right thumb, while another co-accused Sunny Deol allegedly struck the complainant's 8-year-old son, Armandeep Singh, on the head with a kirpan. In the course of the attack, the accused also damaged the CCTV cameras installed at the complainant's residence and destroyed his vehicle. It is further alleged that Asha (wife of Narinder Kumar), Pooja (wife of Sunny Deol), and Raj Kumar (son of Niranjana Kumar) joined the other accused in the street and pelted stones and bricks at the complainant's house, resulting in damage to the main gate and issuing threats to kill the family. One Mohan Lal is also stated to have sustained injuries due to the brick pelting. Thereafter, all the accused persons allegedly fled from the scene with their weapons. The complainant and his family were subsequently taken to Civil Hospital, Balachaur, where their medico-legal reports (MLRs) were prepared, reflecting the injuries sustained during the incident upon the person of Ram Kumar, Amandeep Singh and Mohan Lal. On these set of allegations, instant FIR under Sections 61(2), 115(2), 333, 351(1), 351(3), 324(4), 324(5) of BNS 2023, was registered against the petitioners and other co-accused.

3. Learned counsel for the petitioners has submitted that the petitioners are innocent persons and have been falsely implicated in the present case owing to a long-standing neighbourhood dispute with the complainant's family. It is further contended that the allegations levelled in

the FIR are highly exaggerated and stem from personal enmity. There is no independent witness to corroborate the prosecution version. Learned counsel has further submitted that no specific injury has been attributed to the present petitioners and the medical reports (MLRs) reflect only simple and blunt injuries, which do not fall within the ambit of 'grievous hurt'. It has further been argued that though the complainant has alleged use of swords (kirpans) but no such weapon has been recovered to substantiate his claim. It is, accordingly, submitted that the entire case rests merely on a general statement of the complainant and there is no reliable or concrete evidence, and, therefore, the specific role of each accused person is doubtful and, which can only be ascertained during the course of trial. Learned counsel also submits that there is nothing to be recovered from the possession of the petitioners and, thus, they are not required for any custodial interrogation. Learned counsel asserts that in the instant case, the FIR fails to include material facts, which further raised questions about its credibility and fairness. Moreover, the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Furthermore, the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. It is lastly submitted by the learned counsel that the present petition be allowed and the petitioners be granted the concession of the anticipatory bail.

4. *Per contra*, the learned State Counsel opposed the grant of anticipatory bail to the petitioner by arguing that the offence is of a serious nature. Learned State counsel has argued that the complainant's statement clearly establishes the presence of the petitioners at the scene and their

involvement in the alleged offence. The injuries sustained by the complainant party, along with his compliant, corroborate the claim that the petitioners alongwith other co-accused attacked on the complainant and his family. Learned State counsel has further submitted that the petitioners alongwith other deadly weapons like swords attacked the complainant and his family members, including 8 years old child, thereby causing injuries to him also. The act of forcibly entering the complainant's residence and causing damage to his property, including the deliberate vandalism of CCTV cameras and a vehicle, clearly reflects the intentional and aggressive conduct of the petitioners. The MLRs of the injured persons lend corroboration to the complainant's version, indicating that injuries were sustained by multiple individuals during the said occurrence. The nature and gravity of the offence, coupled with the violent manner in which the assault was executed. The investigation is still underway, particularly with respect to the recovery of the weapons allegedly used in the offence and the determination of the specific role of each accused, which is to be ascertained through the analysis of CCTV footage. The weapons of offence are yet to be recovered, and the custodial interrogation of the petitioners is imperative for the purpose of effective and fair investigation. According to learned State counsel, in case the petitioner is granted the concession of pre-arrest, at this stage, it may impede the ongoing investigation.

5. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail to the petitioners by arguing that allegations raised against the petitioners are direct/serious in nature and hence he ought not to be granted concession of anticipatory bail. He has further iterated that in case the petitioners are extended the concession of anticipatory bail,

there is all the likelihood that they may flee from the process of justice as also intimidate/influence the witnesses.

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 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 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.”

8. As per the allegations set forth in the FIR, serious charges have undeniably been made against the present petitioners, as he was specifically named in the FIR registered, by the complainant. As per submissions made by learned State counsel, the investigation is still at a preliminary stage with respect to the verification of the role of each accused, recovery of the weapons of offence, and examination of CCTV footage. The custodial interrogation of the present petitioners is necessary, especially in light of the fact that they have been specifically named in the FIR. There exists a strong *prima facie* case against the petitioners, who have been specifically named in the FIR. The learned counsel for the petitioners has failed to demonstrate that the case registered against them is false. The incident, as alleged, occurred in broad daylight, thereby endangering the lives of the complainant and his family. The medical reports (MLRs) corroborate the complainant's version that multiple injuries were inflicted upon him and his family members, including a minor child, which highlights the grave and serious

nature of the assault. It is also pertinent to note that minor Armandeep Singh sustained a lacerated wound measuring 3 cm x 0.5 cm, skin deep, on the frontal region of the head.

No cause *may* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioners have been falsely implicated into the present FIR. It goes without saying that in the instant case, it was specifically alleged in the FIR that the petitioners along with other co-accused was a part of an unlawful assembly and involved in alleged occurrence, thereby endangering the lives of the complainant and his family.

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 is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. 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 petitioners, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma*** [*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. In view of the gravity of the allegations, necessity of custodial interrogation would arise for a fair and thorough investigation, this Court is of the considered opinion that the petitioners do not deserve the concession of anticipatory bail in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioners is 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 14, 2025
Naveen

Whether speaking/reasoned:Yes/No

Whether reportable:Yes/No