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

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Date of decision: 13.08.2025

Nirmal Singh

...Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Brijender Kaushik, Advocate for the petitioner.

Mr. Deepak Kumar Grewal, DAG Haryana.

Mr. Ravi Malik, Advocate for the complainant.

SUMEET GOEL, J.

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Sections 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'BNSS') in FIR No.152 dated 11.05.2025 registered for offences punishable under Sections 109(1), 281 and 3(5) of the BNS, 2023 and Section 25 of Arms Act, 1959 at Police Station Naraingarh, Ambala, Haryana.

2. The gravamen of the FIR pertains to an incident which occurred on 10.05.2025 at approximately 12:30 P.M., when complainant namely Vitesh Kumar s/o Bahadur Lal, resident of Village Manakpur, Police Station Shahzadpur, District Ambala was travelling alongwith his three friends namely Khushwinder Singh resident of village Peer Majri, Police Station Naraingarh, Anil Kumar, resident of village peer Majri, Police Station Naraingarh and Mohit, resident of village Bhurewala, Police Station Naraingarh in Scorpio vehicle bearing registration No.HR04M-2777 for some personal work. It was alleged that they departed from Subhash Chowk,

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Naraingarh towards College Road, Naraingarh and the vehicle was driven by Khushwinder Singh while complainant was sitting besides the driver in the front passenger seat. Anil Kumar and Mohit were abroad on the back seats. It was further alleged that when the complainant alongwith his friends reached in front of Monti Samosa shop, another vehicle bearing registration No.HR04L-0777, coming at a high speed from the direction of village Kularpur, collided with the car of the complainant and broke the rear view mirror of the driver side. Following this, Khushwinder Singh, who was driving the vehicle and the driver of HR04L-0777 stopped their respective vehicles. Occupants of both the cars alighted and an argument ensued. During the course of arguments, the occupants of vehicle No.HR04L-0777 threatened the complainant side with dire consequences. Thereafter, one of the occupants of the assailant's vehicle brandished a firearm and fired at the complainant with the intention to kill. However, the bullet hit on the right side of the chest near the shoulder of the complainant and the assailants fled the scene in their vehicle. The complainant-injured was taken to Government hospital, Naraingarh for medical treatment. Consequently, instant FIR was registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated in the present case solely on the basis of the disclosure statement made by co-accused Rajiv Kumar while in custody, which is inadmissible in evidence. Learned counsel has further iterated that the petitioner is innocent as he has no connection whatsoever with the alleged incident of road rage or any involvement in the purported attack upon the complainant. It is further submitted that a bare perusal of the FIR

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itself reveals that the allegations therein are vague and unsubstantiated having been levelled merely for the sake of making allegations without disclosing the commission of any cognizable offence by the petitioner. According to learned counsel, the narrative contained in the FIR does not even *prima facie*, establish the existence of any occasion or common intention on the part of the petitioner to engage in an act of road rage or assault the complainant. The only basis of the implication of the petitioner is the unsubstantiated disclosure statement of the co-accused. Learned counsel further asserts that nothing is to be recovered from the possession of the petitioner and thus, his custodial interrogation is neither warranted nor justified. It is next 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.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the allegations raised against the petitioner are serious in nature. Referring to reply dated 05.07.2025, learned State counsel submits that during the course of investigation, the Call Detail Records (CDR) and tower location data of the mobile phone belonging to the petitioner was obtained which clearly establish that the petitioner alongwith co-accused was present at the place of occurrence during the relevant time on the date of the incident. Furthermore, the weapon of offence used in the commission of offence is yet to be recovered. Given these circumstances, custodial interrogation of the petitioner is indispensable for a fair and effective investigation. Therefore, it



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is submitted that the present petition is devoid of merit and is liable to be dismissed.

5. Learned counsel appearing for the complainant has vociferously opposed the instant petition by raising submissions in tandem with the State counsel.

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

7. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. It emerges from the record that on the alleged day of occurrence, the complainant alongwith his friends was travelling in a vehicle when another vehicle being driven at a high speed collided with their vehicle and after an altercation, one of the occupant of the other vehicle fired at the complainant which hit him on right side of the chest near the shoulder. The stand of the investigating agency is that during the course of investigation, the Call Detail Records and tower location data of the mobile phones belonging to the three accused, including the petitioner, were collected and analyzed which establish their presence at the place of occurrence between 09:00 PM and 10:00 PM on the date of incident. The allegations in the FIR coupled with the investigation conducted so far, including the CDR and tower location records, *prima facie* indicate the presence of the petitioner at the spot at the relevant time. The role attributed involves the commission of a grave offence wherein a firearm was used with an intention to cause death resulting into fire arm injury upon the injured-complainant. The incident in question, *prima facie*, appears to have arisen out of a road rage incident, however, in view of the use of

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weapon (firearm in the instant case) the escalation cannot be dismissed as a trivial vehicular mishap. A road rage incident involving weapons and firearms, inherently, is an affront to the rule of law and safety of the community at large. Such incidents are not uncommon, thereby, necessitating an appropriate response, having a deterrent effect. This Court must take a stern and unwavering view to ensure that the individuals understand the severe consequence of resorting to such violence.

8. Furthermore, the investigation is still at a crucial stage and custodial interrogation of the petitioner is necessary to unearth the full facts, including the source and procurement of the weapon used in the commission of crime. The petitioner is yet to be arrested and the grant of anticipatory bail at this stage may prejudice the ongoing investigation. The apprehension expressed by the prosecution that the petitioner, if released on bail, may abscond or attempt to influence witnesses also appears to be not without basis. Given the seriousness of the offence, the stage of investigation and the possibility of tampering with evidence or obstructing justice, this Court is of the view that the petitioner does not deserve the concession of bail at this juncture. Moreover, in view of the serious allegations, the custodial interrogation of the petitioner is indispensable and crucial for unearthing the broader conspiracy and identifying the other accomplices that may be within the exclusive knowledge of the petitioner. Moreover, the grant of anticipatory bail at this premature stage may seriously prejudice the ongoing investigation and potentially result in tampering with evidence or influencing material witnesses.



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. A profitable reference in this regard is being made to the dicta passed by the Hon'ble Supreme Court titled as ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Supreme Court held as under, relevant whereof reads 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 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.”

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 establish a reasonable basis for the accusation of the petitioner. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation.

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10. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand. Moreover, custodial interrogation of the petitioner 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

August 13, 2025

Ajay

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No