



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

**CRM-M-52557-2025
Date of decision: 01.10.2025**

HARASHDEEP @ HARSH DEEP SHARMA

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Kamal Narula, Advocate for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

SUBHAS MEHLA, J. (ORAL)

1. Present petition is filed under Section 482 BNSS, 2023 seeking anticipatory bail to the petitioner in a case bearing FIR No.14 dated 12.02.2025 under Sections 303(2), 118(1), 109, 324(2), 351(2), 191(3), 190 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') registered at Police Station City Jalalabad, District Fazilka (Annexure P-1).

2. Learned counsel for the petitioner contended that the petitioner has been falsely involved in the present case; he is not required for custodial interrogation; no specific allegation has been levelled against the petitioner; he is ready to join investigation. As such, learned counsel prayed for anticipatory bail to the petitioner.

3. Upon advance notice, learned State counsel appeared and opposed the prayer made by the petitioner by submitting that weapon of offence i.e. *kapa* is yet to be recovered from the petitioner; he was the active member of an unlawful assembly and now, Section 32 of BNS has been deleted and Section 304 of BNS has been added in the present FIR.



4. Mr. Gurpreet Jayia, Advocate has put in appearance on behalf of the complainant and filed his power of attorney, which is taken on record. Learned counsel for the complainant vehemently opposed the prayer made by the petitioner and submitted that the petitioner is specifically named in the present FIR; specific role has been attributed to him; the accused persons caused 14 injuries to the complainant and some injuries are on his head, which are dangerous to life; CT Scan has been carried out and opinion of the doctor has been obtained; the petitioner is required for custodial interrogation.

5. Heard.

6. Keeping in view the facts and circumstances of the case and contentions of learned counsel for the parties and the fact that the name of the petitioner is specifically mentioned in FIR; he was armed with *kapa*; the complainant received 14 injuries, out of which some injuries are on his head; petitioner is required for custodial interrogation as well as for recovery of weapon of offence. As custodial interrogation of the petitioner is required for collecting the evidence and for recovery of weapon of offence, anticipatory bail cannot be granted to him in view of law laid down by the Hon'ble Supreme Court in case titled as '***CBI Vs. Anil Sharma, 1997 AIR Supreme Court 3806***' decided on 03.08.1997, wherein it has been held as under:-

"...custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the code. In a case like this effective interrogation of 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 would not conduct themselves as offenders.”

7. In view of the above, this Court finds no ground to grant anticipatory bail to the petitioner and the present petition stands dismissed.

8. Nothing observed hereinabove shall be construed as an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

October 01, 2025
manisha

(SUBHAS MEHLA)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |