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(103)

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

CRM-M-73236-2025

Date of decision :08.04.2026

ASI, SURINDERPAL

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. M.D. Khan, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 of BNSS is for the grant of anticipatory bail to the petitioner in case FIR No.0374 dated 14.11.2025 registered under Sections 233 & 256 of BNS, 2023 at Police Station Gharinda, District Amritsar Rural.

2. The brief and relevant facts of the case are that the aforesaid FIR No. 374 dated 14.11.2025 was registered at the Police station Gharinda, Amritsar (Rural), on the basis of a complaint from reader of Parinder Singh, learned Additional Sessions Judge, Amritsar, stating therein that bail application titled as State versus Subeg Singh in FIR No. 360 dated 02.11.2025 was pending before the learned Court and record of the aforesaid FIR was summoned but the Investigating Officer (petitioner) did not appear and on perusing the record, the Court found a written complaint of the complainant in the record and as per the



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complaint, the accused in FIR No. 360 dated 02.11.2025 has caused injury on his face with a blow of baseball bat but as per the version of the FIR, a pointed weapon was used and case dairy was also missing. It has been further mentioned that the petitioner, who was investigating officer in the aforesaid case was called in the Court, but the petitioner did not appear and Station House Officer, Police Station Gharinda, Amritsar Rural appeared before the Court and admitted that case dairy was not recorded by the petitioner and the Court found that record of the FIR No. 360 dated 02.11.2025 was manipulated for the addition of a more grave offence.

3. As per the prosecution case, an FIR No.360 dated 02.11.2025 was registered at the instance of one Subeg Singh. In his written complaint, he has averred that a baseball was used to assault him whereas in the FIR the weapon has been changed to a 'dattar' (sharp edged weapon) at the instance of the petitioner, the Investigating Officer of the said case.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. It is a typographical error and 'baseball' has inadvertently been changed to 'dattar'. Though, the petitioner was called during the course of the hearing in the bail application preferred by the accused in FIR No.360 dated 02.11.2025, he was on leave on those days because of which he



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was unable to appear. As he is ready and willing to join investigation, he be granted the concession of anticipatory bail.

5. A status report dated 02.02.2026 by way of an affidavit of Yadwinder Singh, PPS, Deputy Superintendent of Police, Sub-Division Attari, Amritsar (Rural) has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he contends that the petitioner being the Investigating Officer in FIR No.360 dated 02.11.2025 misused his official position and prepared an incorrect record. The complainant of the aforesaid case has filed a complaint stating that he had been attacked by a 'baseball' bat but the petitioner, at the time of the registration of the FIR changed the weapon to 'dattar' so as to increase the severity of the offence. On being asked to appear to explain his case, he did not come forth. The allegations against the petitioner are extremely grave moreso when he is a police official and the Investigating Officer of the case.

6. I have heard the learned counsel for the parties.

7. The Hon'ble Supreme Court in the case of *Sumitha Pradeep Vs. Arun Kumar C.K. & Anr.* 2022 Live Law (SC) 870 held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the prima facie case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-



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“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

*We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. **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. A perusal of the original complaint leading to the registration of FIR No.360 dated 02.11.2025 would categorically show that the word 'baseball' is mentioned in the complaint in English. However, the petitioner who is the Investigating Officer of the said case changed the weapon to a 'dattar' which is a sharp edged weapon so as to give the matter a more serious colour and exaggerate the nature of the allegations. The allegations are extremely grave and the conduct of the petitioner who is a public servant being a police officer in not appearing before the Court when being asked to do so only show that he has little regard for the law.

9. In view of the seriousness of the allegations and with a view to take the investigation to its logical conclusion, the custodial interrogation of the petitioner is certainly required. Therefore, the present petition stands dismissed.

11. However, the observations made hereinabove are only for the purposes of deciding this bail petition and the Trial Court is free to



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adjudicate upon the matter on the basis of the evidence led before it
uninfluenced by any such observations made herein.

(JASJIT SINGH BEDI)
JUDGE

08.04.2026
JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No