

(2026) 08 P&H CK 0460
In the Punjab And Haryana At Chandigarh
Case No : CRM-M-42962-2026

Paramjeet Singh And Anr

APPELLANT

Vs

State Of Haryana

RESPONDENT

Date of Decision : 05-08-2026

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 115(2), 118(1), 118(2), 126(2), 351(3), 3(5)
Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 482

Citation : (2026) 08 P&H CK 0460

Hon'ble Judges : Surya Partap Singh, J

Bench : Single Bench

Advocate : Mr. Aditya Sanghi, Advocate with Mr. Saurabh Sharma, Advocate for the petitioner; Mr. Ramender Singh Chauhan, AAG, Haryana; Mr. Gurdarshan Singh Sidhu, Advocate for the complainant.

Final Decision : Petition allowed

Judgement

This petition for pre-arrest bail is the second petition filed by the petitioners under Section 482 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No.69 dated 13.05.2026, Police Station Baragudha, District Sirsa for the commission of offence punishable under Sections 115(2), 118(1), 118(2), 126(2), 351(3) and 3(5) of Bharatiya Nyaya Sanhita, 2023, hereinafter being referred to as 'BNS'.

2. This petition for anticipatory bail has been filed in the backdrop of the fact that on earlier occasion also the petitioners had approached this Court for the benefit of bail, vide CRM-M-38155-2026 and the above-mentioned benefit was accorded to the petitioners vide order dated 17.07.2026. As per petitioners, subsequent thereto, during the course of investigation Section 118(2) has been added by the Investigating Agency, and therefore, permission has been sought from the Court of learned Judicial Magistrate to arrest the petitioner again.

3. Notice of motion.

4. Since advance notice has already been served upon the State, Mr. Ramender Singh Chauhan, AAG, Haryana, accepts notice on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with.

5. Mr. Gurdarshan Singh Sidhu, Advocate appears on behalf of complainant. He has filed a memo of appearance. The same be taken on record.

6. Heard.

7. It has been contended by learned counsel for the petitioners that custodial interrogation of the petitioners in this case is not required as the weapon of offence has already been recovered, and that if the petitioners are taken into custody it will not serve any purpose.

8. The learned State Counsel being assisted by learned counsel for the complainant has controverted the above-mentioned arguments. According to learned counsel for the complainant, the petitioners have been violating the order passed by the Civil Court and there is a constant threat to the complainant and his family. It has also been contended that the gravity of offence committed by the petitioners stands enhanced by addition of Section 118(2) of BNS, and that in view of above-mentioned fact situation, the petitioners are not entitled to the benefit of anticipatory bail.

9. It has also been contended by learned counsel for the complainant that this is second petition for bail, and that the same is not maintainable. According to learned counsel for the complainant once a new Section has been added by the Investigating Agency, the proper course available to the petitioners is to surrender before the trial Court and seek regular bail.

10. The record has been perused carefully.

11. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision:-

- i. that earlier also the benefit of bail was accorded to the petitioners;
- ii. that the weapon of offence has already been recovered;
- iii. that the custodial interrogation of the petitioners is not likely to produce any fruitful result;
- iv. that once Section has been added by the Investigating Officer, the only course available to the petitioners is to move an application for fresh anticipatory bail and the same has been filed. Thus, the present petition is maintainable.
- v. that trial is not likely to be concluded in near future;
- vi. that detention of petitioners in judicial lock-up is not likely to serve any purpose;
- vii. that there is nothing on record to show that while on anticipatory bail, the

petitioners are likely to tamper with the evidence or influence the witnesses; and
viii. that there is nothing on record to show that while on anticipatory bail, the petitioners will not participate/ cooperate in the investigation.

12. If the cumulative effect of all the above-mentioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioners are entitled to the benefit of bail for the offence under Section 118(2) BNS also, and that the present petition deserves to be allowed.

13. In view of the above-mentioned discussions, the present petition is hereby *allowed* and the benefit of bail already accorded to the petitioners is hereby extended qua Section 118(2) BNS also.

14. Pending miscellaneous application(s), if any, shall stand disposed of.