



CRM-M-23002-2026

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

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CRM-M-23002-2026

Sunny

...Petitioner

V/s

State of Punjab

...Respondent

Date of decision: 06.07.2026**Date of Uploading : 07.07.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Parveen Chauhan, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG Punjab.

SUMEET GOEL, J. (Oral)

1. The petitioner has filed the present petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 438 of Cr.P.C.) seeking the concession of anticipatory bail in FIR No.77 dated 14.03.2025 registered under Sections 103 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Sections 302 and 34 IPC) and Section 25 of the Arms Act at Police Station Civil Lines, Batala, District Gurdaspur.

At the outset, it may be noticed that the present petition had earlier been dismissed by this Court. Aggrieved, the petitioner has challenged the said order before the Hon'ble Supreme Court, which vide its order dated 15.05.2026 set aside the order & remanded the matter to this Court for fresh consideration on merits. It is in this factual backdrop, that the instant petition came up for receiving consideration at the hands of this Court. Accordingly, the matter has been heard afresh after granting

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opportunity to both sides to address arguments and place the relevant material on record.

2. The prosecution case, as set-out in the petition in hand, is that the complainant namely Sulakhan Singh, father of deceased Vijay Singh, stated that on 13.03.2025 at about 6:30 PM, one Pretty son of Jatinder Singh came to his house and took his son Vijay Singh in a white i-20 car. When the Vijay Singh did not return home, the complainant and his family searched for him and when they reached near the under construction overbridge at Nawan Pind Panch Khandal, they found the dead body of Vijay Singh lying with a gunshot injury on his chest. The complainant suspected that the Pretty has murdered his son on account of a previous altercation between Pretty and the deceased during a Kabaddi tournament held in the village on 09.03.2025. On the basis of the said statement, the present FIR came to be registered.

2.1. Para 7 of the reply dated 30.06.2026 filed by the State reflects that during the course of investigation, SI Jagtar Singh In-charge, Police Chowki Bus Stand, Batala, produced the copy of FIR No.226 dated 04.12.2025 registered under Sections 25/54/59 of the Arms Act at Police Station City Batala, alongwith disclosure statement suffered by accused Harsimranjit Singh son of Ranjit Singh, resident of village Sherpur, Police Station Sekhwan. In the said disclosure statement, Harsimranjit Singh allegedly disclosed that during the days of Hola Mohalla, he had been in contact with deceased Vijay Singh regarding certain articles and pursuant thereto had met deceased Vijay Singh near Jalandhar Bypass, Amritsar Road, Batala. He further disclosed that he, along with the deceased Vijay



Singh, the present petitioner Sunny resident of Sahabpur and co-accused Jashan Virk, consumed liquor at an Ahata situated on Amritsar Road, Batala. Thereafter, at the instance of Vijay Singh, all of them proceeded together towards Sahabpur. According to the disclosure statement, at about 9:00/10:00 PM, a dispute arose amongst them concerning money relating to certain articles. During the course of the said altercation, Sunny (the present petitioner), who is stated to be related to Vijay Singh, allegedly used a pistol and fired a shot at Vijay Singh & as a result thereof he fell on the ground. It has been further alleged that thereafter the petitioner and the co-accused put him in their vehicle and removed him from the spot. However, after Vijay Singh succumbed to the gunshot injury, they abandoned his body and fled from the place of occurrence. On the basis of the aforesaid disclosure statement and the material collected during investigation, accused Harsimranjit Singh, Jashan Virk and the present petitioner Sunny were nominated as accused in the present case and Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 was added vide DDR No. 026 dated 07.12.2025.

3. Learned counsel for the petitioner has iterated that the petitioner is innocent and has been falsely implicated into the FIR in question. Learned counsel has further iterated that the petitioner was not named in the FIR and the entire allegation contained in the FIR was against one Pretty son of Jatinder Singh. It has been further contended that there is no allegation against the present petitioner in the FIR and his name has surfaced for the first time nearly ten months after the occurrence which, by itself, creates a doubt regarding his implication. It has been further contended that the petitioner is the cousin of the deceased Vijay Singh and



there was absolutely no motive for him to commit the murder of his own cousin. Learned counsel has further contended that the prosecution has failed to attribute any plausible motive to the petitioner and the entire case against him rests upon conjectures and assumptions. Learned counsel has emphasized that the prosecution case is based entirely upon circumstantial evidence and there is no direct evidence connecting the petitioner with the alleged crime. Furthermore, the petitioner has been implicated solely on the basis of the disclosure statement allegedly made by co-accused Harsimranjit Singh in another case bearing FIR No. 226 dated 04.12.2025 registered under the Arms Act which is a weak piece of evidence. It has been further contended that the petitioner was not present at the place of occurrence at the relevant date and time. According to learned counsel, the petitioner was present at Baba Bakala Sahib along with his wife and minor daughter, which is situated at a considerable distance from the alleged place of occurrence. Moreover, there is no need for custodial interrogation of the petitioner as nothing incriminating remains to be recovered from him. Learned counsel has further asserted that the petitioner is willing to join investigation as and when required; shall not tamper with the evidence or influence any witness and shall also abide by all the conditions imposed in case he is enlarged on pre-arrest bail. On strength of these submissions, the grant of anticipatory bail 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 and specific. According to learned State counsel, the role of the petitioner has surfaced during the course of



investigation and his involvement is not based merely upon suspicion but upon credible material collected by the investigating agency. Learned State counsel has emphasized that although the petitioner was not named in the FIR but the investigation subsequently revealed his active participation in the commission of the offence. It has been further submitted that during the course of investigation, the police obtained the copy of FIR No. 226 dated 04.12.2025 registered under Sections 25, 54 and 59 of the Arms Act at Police Station City Batala along with the disclosure statement suffered by co-accused Harsimranjit Singh. In the said disclosure statement, co-accused Harsimranjit Singh disclosed that on the day of occurrence he, the deceased Vijay Singh, the present petitioner Sunny and co-accused Jashan Virk had consumed liquor together and thereafter proceeded together in a vehicle. It has been further disclosed that a dispute arose amongst them regarding money and during the course of the altercation, the present petitioner allegedly took out a pistol and fired a gunshot at Vijay Singh, which struck him on the chest and resulted in his death. It has been further submitted that the weapon of offence is yet to be recovered from the petitioner and his custodial interrogation is essential for a fair and effective investigation. Furthermore, the challan against the co-accused has already been presented before the competent Court of jurisdiction and the prosecution case has substantially progressed. It has been further submitted that there are as many as 20 prosecution witnesses cited by the prosecution and the matter is pending before the Court below. In such circumstances, grant of anticipatory bail to the petitioner may adversely affect the investigation and



prosecution of the case. Accordingly, a prayer has been made for the dismissal of the instant petition.

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

6. Indubitably, the role attributed to the petitioner is not peripheral in nature but specific and direct in the commission of the crime which resulted into loss of life. As per the material collected during the course of investigation, particularly the disclosure statement of co-accused Harsimranjit Singh and the subsequent investigation conducted by the police, the petitioner alongwith co-accused was allegedly present in the company of the deceased immediately prior to the occurrence. The investigation has further reflected that all of them had consumed liquor together whereinafter they proceeded towards village Nawapind Panch Khandal (i.e. the place of occurrence) in the car to drop the petitioner at his village. As per the prosecution, a monetary dispute arose among them and during the course of the said altercation, it was the petitioner who allegedly took out a pistol and fired a gunshot at deceased Vijay Singh. The injury was allegedly inflicted on the chest of the deceased which resulted in his death. The allegations not only suggest presence of the petitioner at the spot but attribute to him the fatal shot which resulted in the death of the deceased. Furthermore, after the incident, the petitioner, along with the co-accused persons, made efforts to remove the deceased from the spot and subsequently abandoned his body before fleeing away. Thus, at this stage, the petitioner, as per the prosecution, is an assailant whose involvement is not based on vague or omnibus allegations. The plea of the petitioner that he



is the cousin of the deceased and, therefore, has no motive to commit the offence, is a matter which cannot be examined at the stage of consideration of plea for grant of anticipatory bail. At this stage, the Court is only required to determine whether a *prima facie* case is made out against the petitioner or not. Similarly, the plea of *alibi* raised by the petitioner, that he was not present at the spot, is a disputed question of fact which also cannot be conclusively adjudicated at this stage. The plea that the prosecution case is based upon a disclosure statement also does not persuade this Court at this stage.

7. Another significant aspect which weighs with this Court is that the weapon allegedly used in the commission of the offence has not yet been recovered. The stand of the investigating agency before this Court is that the custodial interrogation of the petitioner is necessary to ascertain the source of the weapon and the motive behind the occurrence. The mere fact that the petitioner has not been named in the FIR does not, by itself, be a ground to grant him the concession of pre-arrest bail, particularly when the investigation is still underway and material connecting him with the offence has surfaced during the course of investigation. At the stage of consideration of plea for grant of anticipatory bail this Court cannot meticulously examine the admissibility/ evidentiary value of the material collected by the investigating agency. It is well-settled that the seriousness of the offence is to be assessed on the basis of the allegations and surrounding circumstances and the act done with intention or knowledge to cause death is sufficient.



7.1. It is settled law that while considering the plea for grant of anticipatory bail, the Court must strike a balance between the right of liberty of the individual and the need for free, fair and effective investigation. The investigation is at a nascent stage and verification of facts are yet to be carried out. Such offences necessitate a strong and principled judicial response to prevent their recurrence. In the considered opinion of this Court, granting anticipatory bail at this stage may likely hamper the on-going investigation. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated in the present FIR. 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 interests. 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. At this stage, there is no material on record to hold that a *prima facie* case is not made out against the petitioner. The material which has come on record and the preliminary investigation, appears to establish a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Hon'ble 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 task of disinterring offences would not conduct themselves as offenders.”

8. Considering the nature and gravity of the offence, the specific role attributed to the petitioner and the requirement of the custodial interrogation of the petitioner for an effective and fair investigation, this Court is of the considered view that the grant of anticipatory bail at this juncture may adversely affect the course of investigation. Accordingly, the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand.

9. In view of the prevenient ratiocination, it is ordained thus:
- (i) The instant petition is devoid of merits and is hereby dismissed.
 - (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
 - (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

July 06, 2026
Ajay

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