

CRM (A) 3631 of 2025

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of: **Arjun Singh**

.....Petitioner.

Mr. Sekhar Bose Sr. Adv.,
Mr. Sourav Chatterjee Sr. Adv.,
Mr. Moyukh Mukherjee,
Mr. Koustav Lal Mukherjee,
Ms. Sagnika Banerjee

....for the petitioner

Mr. Kalyan Banerjee, Sr. Adv.
Mr. Rudradipta Nandy,
Mr. Bikram Mitra

.....for the State

1. Learned senior counsel appearing on behalf of the petitioner has submitted as follows. In the night of 25.03.2025 two employees/ workers of Meghna Jute Mill, being Bitto Chowdhury and Md Rashid had a fight due to the political differences amongst themselves. Taking advantage of such fight, the local goons reached the said spot. Subsequently, at 5.16 pm, Namit Singh along with his gang members and Md. Firoz arrived at the spot and started firing bullets at the jute mill, thereby targeting the employees and workers of the jute mill and also the house of the petitioner which was about 300 meters away from the said jute mill. They also started hurling bombs at the places in the vicinity of the house of the petitioner. Though the police authorities were present at the place of occurrence, no action was taken by them. When the petitioner came to know about such an attack near his house, having Z category security he came down with his CRPF

personnel. The petitioner was about to reach the place of occurrence when the miscreants fled away. The entire dispute between Bitto Chowdhury and Md Rashid was noted in a complaint made by Md. Hasim, which was registered as FIR no. 71 of 2025 dated 27.03.2025 at 00.10 hours under section 126(2)/117(2)/351(2) of the BNS against Bitto Chowdhury and Md. Rashid. The identified persons in the said illegal activities were Saddam Hussain, Namit Singh, Prem, and other 40-50 persons, being members and supporters of the ruling dispensation under the instruction of a political leader. Furthermore, this gang of miscreants also carried deadly and dangerous weapons, arms and live bombs. Initially the miscreants fired guns near the office of the petitioner, Mazdoor Bhawan. The petitioner made a complaint through email to the Jagatdal Police Station and the Commissioner of Police, Barrackpore Police Commissionerate on 26.03.2025 at 11.39 P.M. However, no action was taken upon the said complaint. Being aggrieved from such inaction of the investigating agency, the petitioner preferred a writ application, being WPA 7369 of 2025. The present de facto complainant's friend, Saddam Ansari allegedly got injured via bullet being shot at his leg near Shiv Mandir. Subsequently, he was taken to the hospital. Then, the complainant lodged a complaint against the petitioner, being Jagaddal Police Station Case No. 72 of 2025 dated 27.03.2025 under Section 126(2)/117(2)/118(2)/109/351(2)/3(5) of BNS read with Sections 25/27 of Arms Act. Upon this mala fide action being deliberately instituted against the petitioner, the petitioner

approached this Court by preferring CRR 1510 of 2025 on 1.04.2025. Subsequent to the filing of the instant case, on 1.04.2025, the petitioner brought to the notice of the Learned Court below regarding the filing of the instant case; the investigating agency, even after being aware of the pendency of the revisional application, surreptitiously prayed before the Learned Court below for recording of statement of a witness under section 183 of the BNSS; the same was recorded within a span of 10 minutes and subsequently, warrant was issued against the petitioner. This Court was pleased to direct the investigating agency not to arrest the petitioner and to keep the warrant of arrest so issued against the petitioner, in abeyance till 21.04.2025. The same was extended from time to time. No allegations were prima facie made out against the petitioner as would be evident from a mere perusal of the FIR. A perusal of the complaint revealed that there was no allegation to the effect that the petitioner physically or otherwise restrained the complainant from proceeding in any direction. The complaint failed to disclose any of the essential elements of voluntarily causing hurt as against the petitioner. The complaint vaguely alleged that 20-25 men and agents of the petitioner fired bullets. Furthermore, no direct or proximate involvement of the petitioner in the alleged firing was demonstrated. The complaint was also silent about any overt act committed by the petitioner. The bullet was allegedly fired by the men and agents of petitioner, but it did not state that gun was fired by the petitioner himself. With respect to Section 25/27 of the Arms Act, firstly, the petitioner was neither seen

with any arms nor the complaint reflected that the petitioner fired bullet towards the victim or possessed any bullet. Moreover, the petitioner had licence for the gun he possessed. The CCTV footages capturing the incident were handed over to the investigating authority disclosing that the petitioner was not involved in the alleged offence. The place of occurrence where allegedly the incident had taken place as per the FIR under challenge, was covered by the CCTV and surveillance. Vide WPA 9635 of 2024, the area of the residential house of the petitioner was under CCTV surveillance. However, even after being aware of the same, the investigating agency did not seize such video footages which reflected their intention. The petitioner was served with a notice under Section 94, BNSS on 27.03.2025 and in compliance to the said notice, the petitioner attached the pen drive of the footages of the CCTV cameras which were under his control. The investigating agency refused to accept such video footages. The same was communicated by the petitioner over mail to the police authorities. It was only when such footages were played in the media, out of media pressure, the investigating agency acted upon the footages to register a suo-moto complaint, being Jagaddal Police Station Case No. 75 of 2025 dated 28.03.2025 at 21.20 hours under section 25/27 of Arms Act against Namit Singh and Sonu Jaiswal. It was essential to highlight herein that the Jagaddal Police Station Case No. 75 of 2025 itself stated that the above two accused persons were seen cocking a gun and with fire arms from 22.20 hrs. to 22.30 hrs. Even after that no steps were taken against them by the

investigating agencies. The attending circumstances reflected that the instant case proceeding had been instituted with mala fide intention. The petitioner was being deliberately targeted for his political affiliation. There was a unique modus operandi which operated in the State of West Bengal with respect to implicating the petitioner in baseless and frivolous cases. The petitioner was a Member of Parliament from Barrackpore Lok Sabha constituency in West Bengal and was associated with the ruling dispensation from 2001 to 2019. There was a specific pattern which had been followed to implicate the petitioner in criminal cases. It could be seen that upto 2019, no cases were registered against him. Again in 2019, when he shifted his political allegiance to the party in opposition in the State of West Bengal, then a series of cases started to be registered against the petitioner. The petitioner was implicated in as many as 64 cases. Within a period of 1.5 years, 63 cases were registered against the petitioner, who was in public life for decades. For the same, the petitioner preferred an Special Leave to Appeal being Writ petition (s) (Criminal) no (s) 395 of 2020 with W.P. (Crl) No. 393 of 2020 with W.P. (Crl) no. 400 of 2020 with W.P. (Crl) no. 403 of 2020 with Writ petition (s) (Criminal) no (s) 402 of 2020 before the Hon'ble Supreme Court of India against such mala fide action of the police authorities. Vide order dated 18.12.2020, the Hon'ble Bench granted an interim protection of no coercive action against the petitioner in a series of cases being instituted against the petitioner and the protection was effective even till date. Furthermore, there were several other instances where although

there was no case made out against the petitioner, the investigating agency chose to implicate the petitioner. The petitioner was constrained to approach this Court in each occasion, and this Court had been pleased to protect the petitioner and grant interim relief. The manner in which multiple notices were served one after the other in a very short span of time reflected the mala fide intent of the investigating authority to show the petitioner's non-compliance and arrest him somehow. Notice under Section 94 BNSS was also issued against the petitioner. It was trite law that a person who was being accused of an offence could not be summoned to produce document or any evidence. Shockingly, instead of acting upon the petitioner's complaint in accordance with law, the authorities proceeded to register an FIR against the petitioner himself. By an order and judgement dated 24.10.2025, this Court, while refusing to grant the petitioner quashing of the proceeding at that stage, granted liberty to prefer an application for anticipatory bail and also granted liberty to the petitioner for formally register an FIR over his version of events. Although, the petitioner's FIR was registered, no progress has taken place in its investigation. As regards the present case, the petitioner is willing to submit his licensed gun for forensic test. However, to ensure impartiality in the investigation process, the test may be done by a central authority, like the CFSL.

- 2.** Learned senior counsel appearing on behalf of the State has submitted as follows. As per the complaint of Md. Irfan, on 26.03.2025 at about 22.00 hours he received information that

Md. Hasim and Md. Ashique were assaulted inside Meghna Jute Mill premises, then he, along with his friends, went to Meghna Jute Mill gate. Within a few minutes of reaching there, he saw that the petitioner, along with 20/25 others, also came at Meghna Jute Mill Gate, and the petitioner and his associates fired 03/04 rounds. Then the complainant and others started to run away from the spot, and at that time the complainant's friend Saddam Ansari @ Moinudding Ansari received a gunshot injury on his leg, near Shib Mandir. Then the complainant, Mohsin Ali and others took him to Bhatpara S.G. Hospital for his treatment. During the investigation of the Jagatdal Police Station Case No. 72 of 2025, multiple evidence had been collected which show that the petitioner was present at the place of occurrence and he carried his gun along with him at the place of occurrence where shots were fired. In fact, the petitioner had admitted that he visited the place of occurrence at the relevant period of time. The State respondents had placed the case diary for the consideration of this Court. The presence of the petitioner at the place of occurrence with his licensed gun had been established during the investigation, and the same was admitted by the petitioner. The petitioner was not cooperating with the investigation. He refused to furnish his licensed gun for examination. The gun can be tested before an appropriate expert. It is bound to retain mark by any shooting. While investigating the present case, the CRPF authorities have not been co-operating with the investigation of the cases. There was no response to the queries sent to them regarding the central personnel who accompanied the petitioner

on the fateful day. Even, in respect of the police case registered by the petitioner, he is not cooperating with the investigation.

3. The connected issues had come up for consideration before this Court in a Criminal Revision being CRR 1510 of 2025 praying for quashing of the instant case and a writ petition being WPA 7369 of 2025 seeking direction to register an FIR. The same was decided by this Court on 24.10.2025.
4. After the order was passed, further investigation as directed has been carried out by the Special Investigating Agency.
5. Upon perusal of the memo of evidence dated 17.12.2025, the progress report of investigation dated 09.12.2025 and the relevant portion of the case diary, it does not appear that any further statement has come directly in support of the above referred version of the alleged victim that it was the petitioner who had fired the shot. In fact, there is a subsequent statement of the victim present at page 227 of the volume of the Case Diary submitted in Court (containing pages 178 to 270) claiming that the victim did not see who fired at him, but saw the petitioner with arms. In his subsequent statement (at page 224 of the said Case Diary), the Informant stated that he did not see who shot the victim and he did not even find the petitioner or his associates carry any arms. Therefore, there are serious contradictions between the first version given by the alleged victim after a passage of time and his subsequent statement and even with the initial and the subsequent statements given by the de facto complainant.

6. In view of the above, the other materials available in the case diary, the petitioner's contentions that he was being victimised for shifting political allegiance and that there were interim protections granted by the Hon'ble Apex Court in such cases and the vital contradictions between the statements of witnesses about the role of the petitioner in the instant case, I am inclined to grant the anticipatory bail to the present petitioner.
7. In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further conditions that the petitioner shall co-operate with investigation. The petitioner shall meet the Investigating Officer of the case and as and when required till submission of report in final form and shall not threaten or intimidate witnesses.
8. The question as to whether the licensed gun, if seized upon issuing proper documents, shall be tested before the Central Forensic Laboratory or the State Forensic Laboratory or both is not gone into in this application for anticipatory bail and is kept open.
9. All concerned, including the petitioner and the CRPF Authorities shall cooperate with the investigation of the present case.
10. With these observations, the application for anticipatory bail is disposed of.

- 11.** Let the copy of portion of the Case Diary as had been submitted by the State earlier be returned to the Learned Counsel for the State.
- 12.** Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon completion of requisite formalities.

(Jay Sengupta, J.)