



103

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

CRM-M No.20966 of 2025

Date of Decision: 25.04.2025

Gurpreet Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ajay Kumar, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.0029, dated 05.03.2025, under Sections 103, 238, 191(3), 190 of Bharatiya Nyaya Sanhita, 2023 (Section 191(3) & 190 of BNS were deleted and Section 61(2) of BNS, 2023 was added), registered at Police Station City Patti, Tarn Taran, Punjab.

2. Succinctly the facts of the case are that FIR in the present case was registered on the statement of complainant, namely, Tarsem Singh. It was alleged that sister of the complainant, namely, Gurpreet Kaur, who was of the age of 38 years, was married with Chamkaur Singh. Chamkaur Singh has illicit relationship with the girl, namely, Renu. It was alleged that his sister had complained about the same to him



several times. She used to object the same to her husband as well and on account of the same, matrimonial dispute arose between them. On 03.03.2025, at about 08-09 P.M., he got the information that Gurpreet Kaur has gone missing. He along with Gurcharan Singh and Ranjit Singh went to the matrimonial home of his sister but they got no information about her whereabouts. It was suspected that his sister Gurpreet Kaur has been killed by her husband Chamkaur Singh in connivance with his mother Sukhwinder Kaur, sister Sarabjit Kaur, nephew Gurpreet Singh (petitioner) by strangulating and thereafter her dead body has been destroyed. The motive regarding the murder of his sister is the illicit relationship of her husband Chamkaur Singh with Renu. The request was made to take the legal action against the culprits. On the registration of FIR, the investigation commenced. Apprehending his arrest, the petitioner approached the Court of learned Additional Sessions Judge, Tarn Taran praying for the grant of anticipatory bail. However after hearing both the sides, the same was declined by the learned Additional Sessions Judge, Tarn Taran vide her order dated 11.04.2025. Hence being aggrieved, the petitioner has approached this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that there is a delay of 02 days in lodging the present FIR. He has submitted that as enumerated from the allegations, there was a matrimonial discord between the co-accused-



Chamkaur Singh and Gurpreet Kaur and it is only in order to take the revenge, the petitioner has been falsely implicated in the present case. He has submitted that the petitioner is the nephew of co-accused-Chamkaur Singh, who is living at least about 20 Kms away from the house of Chamkaur Singh and Gurpreet Kaur and thus, has no concern with the sister of the complainant. He has thus submitted that there being no *iota* of evidence against the petitioner, he deserves to be granted anticipatory bail.

4. Notice of motion.

5. On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent-State. He has opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner is specifically named in the FIR and the investigation is at the initial stage. He has thus submitted that the present petition being devoid of any merit deserves to be dismissed.

6. Heard.

7. On hearing learned counsel for the parties and perusing the record, it is deciphered that sister of the complainant, namely, Gurpreet Kaur, who was married 17 years ago has been missing. As per the allegations, her husband-Chamkaur Singh has illicit relations with another girl, namely, Renu and thus, there was a matrimonial discord between the husband and wife. Gurpreet Kaur is missing since 03.03.2025. The allegations are to the effect that the petitioner along with



the co-accused has eliminated Gurpreet Kaur and her dead body has also been destroyed. Needless to say that the investigation is at threshold.

8. Keeping in view the gravity of the offence, a free and fair investigation is essential in the present case.

9. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-

“Direction for grant of bail to person apprehending arrest:

- 1. When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
- 2. When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
 - (iii) a condition that the person shall not leave India without the previous permission of the Court;*
 - (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*

10. As per the law settled by the Hon'ble Supreme Court, in **Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632**, while



granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

“31. *In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed*



out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail.”

11. The Hon'ble Supreme Court in ***State Vs. Anil Sharma, (1997) 7SCC 187***, held as under:-

“6. *We find force in the submission of the CBI that 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 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 a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

12. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioners has been prima facie found. Needless to say, the investigation is at the initial stage and in the facts and circumstances, custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

13. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

25.04.2025

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

(RAJESH BHARDWAJ)
JUDGE