

2025:PHHC:098581



IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH  
205

CRM-M No.22752 of 2025  
Date of decision: 01.08.2025

Rajwant Kaur ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Manoj R.Sharma, Advocate,  
for the petitioner.

Ms. Ramta Chowdhary, DAG, Punjab,  
for the respondent-State.

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MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

| FIR No. | Dated      | Police Station                              | Sections                                                                                                                        |
|---------|------------|---------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| 136     | 23.10.2024 | Dera Baba Nanak, Batala, District Gurdaspur | 109, 111, 308(4), 108(4), 111(5) and 112 of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) and 25 and 27 of Arms Act, 1959 |

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR had been registered on the basis of statement recorded by the complainant Randeep Singh Bedi

2025:PHHC:098581



alleging that on the evening of 23.10.2024, one unknown person had come to his medical shop and had called him outside. When he reached there, the said person took out a pistol and fired a shot with the same thereby hitting his left thigh. On rescue alarm being raised, he had managed to flee. He alleged that the attack was made to extort money from him as he had been receiving extortion calls. After registration of FIR, investigation proceedings were initiated. The accused Anmol Singh was nominated as such on the basis of a secret information. He was arrested. Some other accused were also arrested. The petitioner was nominated as accused on the basis of a disclosure statement of accused Anmol Singh on the allegations that she was also a member of the organized crime syndicate and had wilfully assisted them by providing shelter to the main accused and harboured them. Apprehending her arrest, the petitioner moved an application for grant of pre arrest bail which has been dismissed by the Court of learned Additional Sessions Judge, Gurdapur vide order dated 26.03.2025.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. She is ready to join the investigation. Her custodial interrogation is not required. No purpose would be served by arresting her. No recovery is to

2025:PHHC:098581



be effected from her. It is, therefore, argued that she deserves to be extended benefit of pre arrest bail.

4. Status report has been filed. Learned Deputy Advocate General, Punjab has argued that the allegations against the petitioner are serious in nature. For conducting proper and thorough investigation in the matter, her custodial interrogation is must. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to be a part of organized crime syndicate operated by accused Jeewan Fauzi from some foreign country to extort money from the public persons. As per the allegations, she had assisted the shooter Jobanpreet Singh i.e. co-accused and his accomplice Anmol Singh after they had fired shots outside the shop of complainant Randeep Singh Bedi and had harboured them. The allegations against the petitioner are serious in nature. This Court is of the opinion that for the purpose of eliciting information as to the exact part played by the petitioner in the crime and for breaking the nexus between the members of the organized crimes syndicate, the custodial interrogation of petitioner is required. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail

2025:PHHC:098581



are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant's fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. Keeping in view the gravity of the offences, the role attributed to the petitioner, the likelihood of her influencing the course of investigation and also of tampering with the evidence, no ground has been made out for allowing the petition. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

2025:PHHC:098581



7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

01.08.2025

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(MANISHA BATRA)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No