



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

108

CRM-M-24603-2025

Date of decision: 7th May, 2025

Harpreet Singh @ Happy

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Atul Goyal, Advocate for the petitioner.

Ms. Himani Arora, Assistant Advocate General, Punjab.

Mr. Harpreet S. Rakhra, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 09 dated 31.01.2025 registered under Sections 103(1) and 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Sections 25 and 27 of Arms Act, 1959 at Police Station Mehta, District Amritsar (Rural).

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant Bhupender Kaur on 31.01.2025, alleging therein that on the same day, she was not keeping well. Her husband had asked her to visit some doctor. On his asking, she had gone to his work place at about 01:00 PM. Her husband was working there and had told her to



sit inside a room so that he could complete his work. At about 1:30 PM, when she was sitting therein, she saw three youths with muffled faces coming there on a motor bike. One of them fired a shot with a pistol on her husband, which hit his chest. Another youth caused injuries with a *datar* to him. All of them, assaulted him again. She rushed for his rescue and raised clamour and then the assailants fled away. The victim was immediately rushed to hospital but had died during the course of treatment. Initially, a case was registered against unknown persons. On 07.02.2025, the complainant recorded a supplementary statement and on the basis of the same, the petitioner and co-accused were nominated. Co-accused Karan Singh was also arrested on the same day. He too suffered disclosure statement admitting his involvement and also the participation of the present petitioner. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail, which was dismissed by learned Additional Sessions Judge, Amritsar, vide order dated 29.05.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR and his name has been taken after seven days of incident without any basis. The allegations against him are quite unnatural and improbable. The case rests upon hearsay evidence. There is no eye-witness to the murder. The disclosure statements of co-accused cannot be considered to be admissible in evidence. He is ready to join the investigation. His custodial interrogation is not required. No specific overt act has been attributed to him. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.



5. *Per contra*, learned State counsel, who has advance notice of the petition and is ready to argue the matter, has submitted that there are grave allegations against the petitioner, who had asked the co-accused to murder the victim and had also provided weapons to them. His custodial interrogation is required for conducting thorough and proper investigation in the matter. No extra ordinary and exceptional circumstance has been made out for granting anticipatory bail to the petitioner. Therefore, it is urged that the petition does not deserve to be allowed.

6. Mr. Harpreet S. Rakhra, Advocate has put in appearance on behalf of the complainant and has filed power of attorney. Learned counsel has submitted that keeping in view the gravity of the allegations, the petitioner does not deserve to be extended benefit of anticipatory bail.

7. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

8. The petitioner is alleged to have hatched a conspiracy with the co-accused and in pursuance thereof, the co-accused are alleged to have caused homicidal death of the victim. He is also alleged to have provided weapons to them. The allegations against the petitioner are serious in nature. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. It is also well settled that 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. Rather, for conducting thorough and proper investigation in the matter, custodial interrogation of the petitioner is must. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

10. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

7th May, 2025
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |