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

**CRM-M-32480-2025
DECIDED ON: 16.06.2025**

**HARJEET SINGH ALIAS HARJEET SINGH DHILLON
.....PETITIONER**

VERSUS

**STATE OF HARYANA
.....RESPONDENT**

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ashok Kumar, Advocate for
Mr. Satbir Singh Gill, Advocate for the petitioner.
Ms. Mayuri Lakhanpal Kalia, DAG Haryana

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The jurisdiction of this Court has been invoked under Section 482 Bhartiya Nagrik Suraksha Sanhita 2023 for grant of Anticipatory bail to the petitioner in case FIR No. 99 dated 20.02.2024 (Annex P-1) under Section 148, 149, 307, 506 of IPC 1860 and Section 25 of the Arms Act 1959, Sections 27 and 29 of the Arms Act 1959 added lateron registered at Police Station Sirsa City District Sirsa.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Statement of Manpreet Singh s/o Sh. Iqbal Singh s/o Didar Singh, r/o Kanganpur, Police Station Sadar Sirsa, aged 24 Years, Mobile No.97288-88471. Stated that I am resident of above mentioned address and doing job of MR in Kanvas Pharma. In October, 2023 I had purchased a car model i-10 Grand Hyundai, bearing No.HR51-

BJ-3617, which was purchased through Tarsem Singh son of Gurmej Singh resident of JE Colony, near Kisan Chowk, Sirsa. This car has been registered in the name of one Padam Singh Chauhan, resident of Faridabad. I had purchased this car for Rs.2 lakh and while taking delivery of the same I had handed over Rs. 1 lakh 80 thousand in cash to Tarsem Singh on the spot and remaining Rs.20 thousand were to be given after transfer of car in my name. Tarsem Singh had promised that he will get the car transferred in my name in 15 days, but Tarsem Singh has not done that till now. When I asked Tarsem Singh to get the car transferred in my name once or twice, then he evaded me initially, thereafter he threatened to kill me. Today on 20.02.2024 at about 5 PM, I was called at Sethi Coffee house at Subhash Chowk for discussion about the car. I alongwith my friend Amandeep Singh alias Laddi s/o Gurcharan Singh alias Janta r/o Jhandi Wali Gali, Khairpur, Sirsa and my brothers Kamaldeep Singh and Luvpreet Singh reached at Sethi Coffee House, Subhash Chowk, Sirsa at about 5.30 pm for discussion. At that time, there were many people drinking coffee at Sethi Coffee house. At about 6.00 pm two vehicles i.e. one XUV with number HR2474900 having white colour and one Polo Car having white colour with number HR51AR3180 came. From the Polo Car Tarsem Singh s/o Gurmej Singh, r/o JE Colony, Sirsa and Goldy s/o Kala Singh r/o Near Bedi Kiryana. Store alongwith 2/3 more boys whose name and address were not known came out from the XUV, which was in front, father Gurmej Singh and his brother Virender alias Bitta, Pradeep Kaushik r/o Panjuana and 2/3 persons whose name and address were not known came out. Tarsem was carrying pistol in his hand and others were having swords in their hands. On coming out of the car, Gurmej told Tarsem that kill them by hitting them with bullet. Then Tarsem fired, which hit on the left hip of my friend Amandeep alias Laddi s/o Gurcharan Singh, who was standing ahead of me. Then Tarsem fired second time towards me, I ran and the said fire hit a boy in his hand who was drinking coffee behind me. The name of that boy is Rajpreet Singh s/o Harpal Singh, r/o Rania, which I came to know on reaching the Hospital. After firing, we saved

ourselves by running from the spot and made noise and while running informed the police by making a call at 112 number. On gathering of people, all accused ran in their vehicles alongwith their weapons. Thereafter, police got admitted my friend Amandeep alias Laddi and Rajpreet in Civil Hospital, Sirsa. Where doctor referred them after giving first aid to both of them. Hence Tarsem Singh and Virender alias Bitta s/o Gurmej Singh, Gurmej Singh s/o Hari Singh residents of JE Colony, Sirsa, Goldy s/o Kala r/o Near Bedi Kiryana Store, Pradeep Kaushik r/o Panjuana and 5/6 other unknown persons in connivance with each other have fired towards my friend Amandeep alias Laddi and myself with an intention to kill and the fire towards me has hit one Rajpreet s/o Harpal r/o Rania. Strict action be taken against all the above mentioned accused. Sd/- Manpreet Singh".

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is argued that neither the petitioner has been named nor any injury or specific role has been attributed to him. He contends that nothing is to be recovered from the petitioner, therefore, his custodial interrogation is not required. It is further submitted that the petitioner is ready and willing to cooperate with the investigation and undertakes to join the same as and when directed by the investigating agency.

Notice of motion.

On behalf of respondent/State

On the asking of Court, Ms. Mayuri Lakhanpal Kalia, DAG Haryana accepts notice on behalf of the respondent-State. She prays for dismissal of the present petition stating that the recovery of weapon, which is used in the commissioning of offence, is yet to be effected, therefore, the custodial interrogation of the petitioner is required.

4. Analysis

In the present case, the allegations against the petitioner are that he, along with the main accused Tarsem Singh and other co-accused, was present at Sethi Coffee Shop, where Tarsem Singh fired two gunshots at the complainant's party. As per the statement of the complainant, Manpreet Singh, while Tarsem Singh used the firearm, the other accused were carrying swords, kirpans, and similar weapons. On the face of it, the presence of the petitioner at the scene of the incident appears to be established.

It is worthwhile to mention that, except for the present petitioner, the challan against the other co-accused stands presented on 20.05.2024, and charges have already been framed against them. The examination of the complainant is still pending.

Anticipatory bail is a special relief that is granted only in exceptional cases. In the present matter, the custodial interrogation of the petitioner is necessary for the recovery of the weapon allegedly used and for a proper investigation. At this stage, granting anticipatory bail would interfere with the ongoing investigation. Therefore, the Court is of the view that the petitioner is not entitled to anticipatory bail.

In everyday terms, the principle of law dictates that bail is the general rule, while jail is the exception. However, this Court acknowledges that the power to grant or deny bail is extraordinary and must be exercised with caution. It is well-established that when considering a bail application (whether pre-arrest or regular bail), the Court must form a *prima facie* opinion as to whether reasonable grounds exist to support the accusation, or if the accusation is frivolous and baseless possibly made with the intention of harming or humiliating the individual, or falsely implicating them in the crime. This evaluation must be

conducted in light of the self-imposed restrictions and the broader legal parameters outlined.

The Hon'ble Supreme Court in the case of ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022 Live Law (SC) 870*** held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the prima facie case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused.

Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

More so, investigation is still going on in the present case. It is settled proposition of law that power exercisable under Section 482 BNSS is somewhat extraordinary in character and it is to be exercised in exceptional cases. The Supreme Court in “State vs. Anil Sharma”; (1997) 7 SCC 187, held as under:-

“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 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 material 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 needs 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.”

In view of the gravity of the allegations and the nature of the injury caused, this Court is of the considered opinion that the case does not warrant the exercise of its inherent jurisdiction under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for granting the extraordinary relief of anticipatory bail to the petitioner. Granting such relief at this stage may not only impede the proper

investigation of a serious offence but may also send a wrong signal in matters involving violence of this magnitude.

In the light of above is discussions made herein-above, this Court does not find any merits in the present petition. Hence, the same is dismissed.

However, it is made clear that the observations made in this order are only for the purposes of deciding this bail application and the trial Court is free to adjudicate upon the matter in accordance with law.

16.06.2025
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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>