



CRM-M-35332-2025

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

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CRM-M-35332-2025

Date of decision: 09.07.2025

Baljinder Singh @ Balwinder Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Tarun Singla, Advocate for the petitioner.

Mr. J.P. Singh, DAG Punjab.

SUMEET GOEL, J. (Oral)

1. The present second petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.54 dated 18.03.2025, registered for the offences punishable under Sections 140(3), 190, 191(3) of BNS, 2023 (offence under Section 115(2) BNS 2023 added later on) at Police Station Talwandi Sabo, District Bathinda.

2. The FIR in question has been registered by the complainant, Gurmit Kaur, a Constable in Punjab Police and resident of Village Malkana, alleging that on the day of the incident, her younger brother Harpreet Singh aged 27 years, who runs a saloon shop near Guru Kanshi College, Talwandi Sabo, was forcibly abducted around 11:30 AM by the family members of Lavu Kaur, with whom he was in a relationship and intended to marry. Despite prior knowledge and a panchayat level compromise, the family members of Lavu Kaur opposed the alliance. The abductors namely Pargat Singh (father), Malkit Singh (grandfather), Manjinder Singh and Baljinder Singh (uncles), and Shaganjit Singh (maternal uncle) had arrived in an Alto



car (PB-03-1416) and a motorcycle (PB03AE-3947) on the day of occurrence and forcibly took her younger brother namely Harpreet from his workplace and fled. Eyewitnesses Ali Khan (his business partner) and Harshdeep Kumar tried to intervene but failed. It was further alleged that her younger brother namely Harpreet briefly confirmed the abduction by making a phone call before the call was abruptly disconnected. The complainant alleged that the motive behind the kidnapping is the family objection to the relationship and requests immediate legal action. Based on these allegations, FIR in question has been registered and investigation ensued.

3. The petitioner had earlier applied for grant of pre-arrest/anticipatory bail before this Court i.e. CRM-M-26038-2025 which was dismissed as withdrawn on 26.05.2025.

Thereafter, the present petition i.e. the second petition for grant of anticipatory/pre-arrest bail has been preferred by the petitioner on 07.07.2025.

4. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated in the present case. From the bare perusal of the FIR, the allegations levelled against the petitioner are general and vague in nature. Learned counsel has further iterated that the complainant, who is serving as a Constable in the Punjab Police, has allegedly misused her official position and in connivance with the local police, orchestrated the registration of a false and frivolous case against the petitioner and his family members. Furthermore, the injuries allegedly sustained by injured namely Harpreet Singh are superficial in nature and have been declared '*simple*' by the medical authorities. It has been further iterated that the alleged recovery



of injured Harpreet Singh has already been effected and there remains no further recovery to be made at the instance of the petitioner. It has been further argued that there is no need for custodial interrogation of the petitioner, as nothing incriminating remains to be recovered from him. Moreover, the petitioner is a law abiding citizen with no criminal antecedents. Learned counsel asserts that the petitioner has no intention of evading the process of law and undertakes to cooperate fully with the investigation. Moreover, the co-accused has already been granted the concession of pre-arrest bail by the Court below. It is next submitted by the learned counsel that the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. On the basis of the aforementioned submissions, the grant of the instant petition is entreated for and the petitioner be granted the concession of the anticipatory bail.

5. Conversely, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. He submits that the petitioner, in active connivance with his co-accused, is involved in the commission of a grave and serious offence of forcible abduction of an innocent individual namely Harpreet Singh and is further alleged to have inflicted multiple injuries upon the victim. In view of the seriousness of the offence, the nature of allegations, and the likelihood of the petitioner interfering with the ongoing investigation or influencing witnesses, it is prayed that the present petition deserves to be dismissed.

6. I have heard the learned counsel for the rival parties and have gone through the available record of the case.



7. It would be apposite to refer herein to a judgment of the Hon’ble Supreme Court titled as ***Kishor Vishwasrao Patil vs. Deepak Yashwant Patil and another*** passed in ***SLP(Crl) No.1125-2022***, relevant whereof reads as under:

“74. Ordinarily, arrest is a part of the process of the investigation intended to secure several purposes. There may be circumstances in which the accused may provide information leading to discovery of material facts and relevant information. Grant of anticipatory bail may hamper the investigation. Pre-arrest bail is to strike a balance between the individual's right to personal freedom and the right of the investigating agency to interrogate the accused as to the material so far collected and to collect more information which may lead to recovery of relevant information.

xxx	xxx	xxx	xxx
xxx	xxx	xxx	xxx

*75. Observing that the arrest is a part of the investigation intended to secure several purposes, in ***Adri Dharan Das v. State of W.B. [Adri Dharan Das v. State of W.B., (2005) 4 SCC 303 : 2005 SCC (Cri) 933]*** , it was held as under : (SCC p. 313, para 19)*

“19. Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance, to maintain law and order in the locality. For these or other reasons, arrest may become an inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 of the Code. The role of the investigator is well defined and the jurisdictional scope of interference by the court in the process of investigation is limited. The court ordinarily will not interfere with the investigation of a crime or with the arrest of the accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under Section 438 of the Code will amount to interference in the investigation, which cannot, at any rate, be done under Section 438 of the Code.”



76. In *Siddharam Satlingappa Mhetre v. State of Maharashtra* [*Siddharam Satlingappa Mhetre v. State of Maharashtra*, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514], the Supreme Court laid down the factors and parameters to be considered while dealing with anticipatory bail. It was held that the nature and the gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made and that the court must evaluate the available material against the accused very carefully. It was also held that the court should also consider whether the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.

77. After referring to *Siddharam Satlingappa Mhetre* [*Siddharam Satlingappa Mhetre v. State of Maharashtra*, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514] and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in *Jai Prakash Singh v. State of Bihar* [*Jai Prakash Singh v. State of Bihar*, (2012) 4 SCC 379 : (2012) 2 SCC (Cri) 468], the Supreme Court held as under : (SCC p. 386, para 19)

“19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroled in the crime and would not misuse his liberty. (See *D.K. Ganesh Babu v. P.T. Manokaran* [*D.K. Ganesh Babu v. P.T. Manokaran*, (2007) 4 SCC 434 : (2007) 2 SCC (Cri) 345], *State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain* [*State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain*, (2008) 1 SCC 213 : (2008) 1 SCC (Cri) 176] and *Union of India v. Padam Narain Aggarwal* [*Union of India v. Padam Narain Aggarwal*, (2008) 13 SCC 305 : (2009) 1 SCC (Cri) 1].)”

Economic offences

78. Power under Section 438 CrPC being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In *Directorate of Enforcement v. Ashok Kumar Jain* [*Directorate of Enforcement v. Ashok Kumar Jain*, (1998) 2 SCC 105 : 1998 SCC (Cri) 510], it was held that in economic offences, the accused is not entitled to anticipatory bail.”

15. In *Sushila Agrawal and others v. State (NCT of Delhi) and Another* reported in (2020) 5 SCC 1, Constitution Bench of this Court held that while considering an application for grant of pre-arrest bail the Court has to consider the nature of the offence, the role of the person, the



likelihood of his influencing the course of investigation, or tampering with evidence or likelihood of fleeing justice. The Court held:-

“92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court.”

8. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The FIR *ibid* was lodged on the basis of a complaint filed by the complainant namely Gurmeet Kaur with regard to an incident that allegedly occurred on 18.03.2025. The complainant, who was serving as a Constable in Police department in Jalandhar, stated that her younger brother namely Harpreet Singh was forcibly abducted by the family members of Lavu Kaur daughter of Pargat Singh with whom he was in a relationship and intended to marry. However, the alleged victim namely Harpreet Singh has already been recovered and alleged that the petitioner has caused several injuries to him. As per the prosecution narrative, the petitioner, in connivance with other co-accused, is alleged to have forcibly abducted the injured/victim and subjected him to merciless physical assault, resulting in seven injuries. Notably, several of these injuries are on the vital parts of the body of the injured and the medico-legal opinion regarding the precise nature of the said injuries is still awaited. It is pertinent to note that, as per the prosecution, some of the co-accused are still absconding, which not only hampers the investigative process but also reflects a concerted attempt to evade the due process of law. In the considered opinion of this Court, the conduct of the



petitioner and his associates exhibits a flagrant and willful disregard for the rule of law and public order, and the offence alleged is of a grave and heinous character, involving elements of criminal conspiracy, abduction, wrongful confinement, and assault causing grievous hurt. In view of the serious allegations, the custodial interrogation of the petitioner is indispensable and crucial for unearthing the broader conspiracy, identifying the other potential accomplices, and recovering any incriminating evidence that may be within the exclusive knowledge or possession of the petitioner. The nature and *modus operandi* of the crime also suggest premeditation, which necessitates a thorough and sustained custodial investigation. Moreover, the grant of anticipatory bail at this premature stage may seriously prejudice the ongoing investigation, embolden the remaining absconding accused, and potentially result in tampering with evidence or influencing material witnesses.

9. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The medical opinion with regard to the nature and extent of the injuries sustained by the injured is still awaited. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the



accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma [State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039]***, the Supreme Court held as under : (SCC p.189, para 6)

“6. We find force in the submission of 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 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.”

10. The role attributed to the petitioner is demonstrably more active, grave, and culpable in comparison to co-accused who have already been enlarged on bail. The petitioner is alleged to have played an overarching role in the commission of the offence, indicating a higher degree of involvement, coordination, and *mens rea*. The allegations against the petitioner are not merely peripheral or incidental but form the core of the prosecutorial case, distinguishing his conduct from that of the other co-accused whose complicity appears to be comparatively limited in scope and intensity. Accordingly, the petitioner cannot claim parity with the co-accused, as the principle of parity does not apply where the degree of participation and the gravity of allegations materially differ. His role, being



broader and more instrumental, warrants stricter judicial scrutiny and militates against the grant of discretionary relief such as anticipatory bail.

11. More so, no fresh substantial change in circumstance has been brought forward which would indicate that the petitioner is entitled to maintain his second petition for grant of anticipatory bail. The first anticipatory bail petition filed by the petitioner was dismissed as withdrawn on 26.05.2025. From the entire factual conspectus brought forward in the present petition, no fresh ground or accentuating circumstance is made out so as to enable the petitioner to file and maintain the second anticipatory bail petition.

12. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby dismissed.

13. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

14. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

July 09, 2025
Ajay

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