

**CRM-M-38397-2025****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(104)

CRM-M-38397-2025Date of Decision:-**July 29, 2025**

Jagdeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAINPresent: Mr. Mohit Jaggi, Advocate
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

Mr. H.S. Multani, Advocate for the complainant.

ALOK JAIN, J. (Oral)

1. The present petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No. 74 dated 13.06.2025 under Sections 109, 117(2), 74, 76, 79 and 3(5) of the BNS, 2023 registered at Police Station IT, City Mohali, District SAS Nagar, Mohali.

2. Learned counsel for the petitioner submits that entirely false and fabricated FIR has been lodged and rather it was the petitioner who has suffered injuries for which he relies upon Annexure P-3 the medical of the petitioner in which he has allegedly suffers some injuries. Counsel further submits that, in fact, it's a family dispute and the complainant and the petitioner are related and the entire issue erupts out of a sale deed executed by the father of the complainant in favour of the petitioner.

3. It is further submitted by the counsel for the petitioner that the Authorities did not lodge the FIR at the behest of the petitioner and have



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lodged the present FIR only to entangle the petitioner to exert pressure in the civil suit filed by the complainant, whereby, the sale deed in his favour has been challenged.

4. Learned State counsel assisted by the counsel for the complainant have submitted that, in fact, after the demise of the brother of the complainant, the petitioner's family who was closely related had abducted their father and got the said sale deed registered without his consent. Thereafter, they filed a petition seeking protection of the father but in the meantime, the sale deed has been executed and the complainant had filed the civil suit, which is being contested by the petitioner.

5. Only to defeat the rights in the civil suit, the petitioner in order to trespass into the house and he along with his other co-accused claiming themselves to be gangsters, drove the four wheeler (Thar) over the legs of their employee/caretaker and as per the counsel for the State as well as the counsel for the complainant the legs of the care taker have to be amputated. The factum of amputation is vehemently opposed by the counsel for the petitioner and he submits that there is no medical record to the said effect.

6. Be that as it may, considering the gravity of the offence and the fact that the antecedents of the co-accused, who have almost 17 cases against him and also the fact that grievous injuries have been caused to the victim, In light of the settled principle of law as held by the Hon'ble Supreme Court of India in the case of **"CBI Vs. Anil Sharma", (1997) 7 SCC 187**, wherein, it has been held as under:

"We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code. In a case like this effective

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interrogation of 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 would not conduct themselves as offenders.”

7. Accordingly, the custodial interrogation of the petitioner would be of grave importance, at this stage, to ensure that the investigation in the present case comes to its logical end. Furthermore, recoveries are yet to be effected which require the presence of the accused in custody. The nature and gravity of the allegations also do not warrant the grant of bail to the petitioner.

8. In light of the above, this Court does not find any ground to grant the extra ordinary concession of anticipatory bail to the petitioner, hence, the same is dismissed.

(ALOK JAIN)
JUDGE

July 29, 2025

Parul

Whether speaking/reasoned:-
Whether Reportable:-

Yes/No
Yes/No