



CRM-M-42140-2025

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

CRM-M-42140-2025

Date of decision: 07.08.2025

Tirath Ram alias Tirath Singh

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Anil Kumar Spehia, Advocate for the petitioner.

M. Eklavya Darshi, DAG Punjab.

SUMEET GOEL, J. (Oral)

1. Present 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.99 dated 21.08.2024, registered for the offences punishable under Sections 103, 191(3), 190 of BNS, 2023 and Section 25 of the Arms Act and Section 238 of the BNS, 2023 (added later on) at Police Station Sadar Nakodar, District Police Commissionerate Jalandhar.

2. The gravamen of the FIR in question reflects that the criminal proceedings were initiated based on a complaint filed by Charan Dass, who alleged that a few days prior to the incident, the petitioner Tirath Singh, alongwith 5/6 individuals, came to the residence of the complainant, used abusive language and threatened his son namely Kulwinder Singh @ Kindi. It was further alleged that a complaint in this regard was lodged at Police Post Kala Sanghia, but no action was taken. Furthermore, on the alleged day of occurrence i.e. 20.08.2024, at about 08:00-08:30 PM, son of the



complainant namely Kulwinder Singh received a phone call from one Laddu and she immediately left the house on a motorcycle. The complainant and his other son namely Kuldeep Sing @ Babbyu, followed him. Thereafter, near the outskirts of village Uggi, they saw one Laddu talking to two individuals. At that time, a swift car (PB09-Z-6782) arrived, driven by co-accused Gurdit Singh @ Guri with Jatinder Singh @ Kohli in the front seat and the Tirath Singh (petitioner herein), Sukhwinder Singh @ Commando and Gurpreet Singh @ Datt seated in the rear. They alighted from the car and Tirath Singh (petitioner herein) alongwith co-accused Jatinder Singh allegedly began abusing the son of the complainant namely Kulwinder Singh, while holding *datars* in their hands. As the son of the complainant attempted to flee, accused Sukhwinder Singh allegedly fired a gunshot which hit his left thigh. The assailants then fled from the spot. Thereafter, son of the complainant namely Kulwinder Singh later succumbed to the injuries in the hospital. On these set of allegations, instant FIR *ibid* was registered against the accused. Following investigation, the final report has been submitted before the competent Court of jurisdiction.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that the impugned FIR contains general and vague allegations of assault by all the accused persons using blunt weapons. Learned counsel has further submitted that petitioner is a law abiding citizen with no criminal antecedents and has been falsely implicated in the present case solely on the basis of the allegations levelled in the FIR by the complainant. Learned counsel has further contended that the FIR merely



states that the petitioner alongwith co-accused was allegedly present in the vehicle in which the main accused was travelling. No specific over act or role has been attributed to the petitioner in the commission of the offence. It is further contended that, as per the post-mortem report, only a single gunshot injury was found on the deceased which has been specifically attributed to co-accused Sukhwinder Singh @ Commando. Furthermore, there is no material on record to suggest that the petitioner shared any common object or intent with the main accused or participated in the alleged occurrence. In view of the absence of any incriminating material, assigned role or recovery attributable to the petitioner and considering that the investigation is still pending with nothing required to be recovered from the petitioner, his custodial interrogation is not warranted. Furthermore, the petitioner is ready to join the investigation and, thus, no useful purpose would be served by sending him behind the bars. It is lastly submitted by the learned counsel that the instant petition be allowed and the petitioner be granted the concession of the anticipatory bail.

4. *Per contra*, learned State counsel, while opposing the present petition, has submitted that the allegations against the petitioner are grave who form part of a larger premeditated criminal conspiracy culminating in the murder of the deceased Kulwinder Singh @ Kidi. It has been further contended that the petitioner was actively present at the scene of crime and has been specifically named in the FIR. The petitioner alongwith other co-accused allegedly arrived in a car with weapons and participated in the act of threatening and chasing the deceased and hence indicates a clear common intention and shared objective in the commission of the offence. According



to him, in case the petitioner is granted the concession of pre-arrest bail, there is every likelihood that the petitioner may influence the witnesses or may commit similar offence and/or will flee from the trial. Considering the seriousness of the offence, the role of the petitioner in facilitating the crime and the necessity for custodial interrogation, the dismissal of the instant petition is prayed for.

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

6. 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 a statement made by the complainant namely Charan Dass, who alleged that on 20.08.2024, his son namely Kulwinder Singh (deceased) on receiving a phone call from one Laddu, left his home on motorcycle. The deceased was followed by the complainant and his other son namely Kuldeep Singh @ Babbu. However, near the outskirts of village Uggi, a swift car (PB09-Z-6782) arrived, driven by co-accused Gurdit Singh @ Guri, with Jatinder Singh @ Kohli in the front seat and the Tirth Ram alias Tirath (petitioner herein), Sukhwinder Singh @ Commando and Gurpreet Singh @ Datt seated in the rear. The assailants alighted from the vehicle and the petitioner alongwith co-accused Jatinder Singh, allegedly abused the deceased Kulwinder Singh while holding *datars* in their hands. As the deceased attempted to flee, co-accused Sukhwinder Singh allegedly fired a shot which struck the deceased in the left thigh leading to his death. The accused persons thereafter fled the scene of occurrence, issuing threats to the complainant. The FIR *ibid*, discloses that the petitioner was not merely a



passive occupant of the vehicle but allegedly alighted from the car armed with a weapon (*datar*) and actively participated in the act of threatening and chasing the deceased. The presence of the petitioner as part of a group armed with deadly weapons, immediately preceding the fatal gunshot fired by the co-accused, *prima facie* indicates presence of common object and intention.

7. The argument that no specific injury or recovery is attributed to the petitioner is not, at this stage, sufficient to absolve him of criminal liability, especially in light of the detailed role ascribed to the petitioner in the FIR and the broader conspiracy that point towards a coordinated and targeted attack. The nature and gravity of the offence coupled with the alleged involvement of the petitioner in a premeditated act of violence do not make out a case for pre-arrest bail. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR. It goes without saying that in the instant case, the presence of the petitioner at the scene of occurrence, armed and in active participation with co-accused lends credence to the case of the prosecution. Moreover, the gravity of the offence involving the loss of human life and the alleged role of the petitioner in facilitating the commission of the crime cannot be lightly brushed aside and indicate complicity of the petitioner.

8. Upon careful perusal of the material on record and the nature of allegations levelled, this Court is of the considered view that there exists a specific and direct accusation upon the petitioner. The role ascribed to the petitioner is not vague or omnibus, but is rather precise and supported by the



version of the complainant, meriting no indulgence at this preliminary stage of investigation. 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 petitioner alongwith other co-accused had previously threatened the deceased and on the alleged date of the incident, actively participated in surrounding and chasing the deceased while armed with a *datar*. 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, (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 information 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.”

- 9. 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 to unearth the broader conspiracy; for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby dismissed.
- 10. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
- 11. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

August 07, 2025
Ajay

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