



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.44577 of 2025
Date of decision: 11.11.2025

Kuldeep Singh @ Gandhi ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Santosh Kumar Yadav, Advocate,
for the petitioner.

Ms. Ramta Chowdhary, DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
155	14.06.2025	Dinanagar, District Gurdaspur	109, 118(2), 115(2), 190 and 193(2) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) (103 of BNS added later on)

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement

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recorded by the complainant Sudesh Kumar alleging that on 13.06.2025, he had gone with his brother to Bus Stand Sainpur for purchasing milk from Nav Dairy. His brother started purchasing milk whereas he himself was standing at some distance with his motorbike when two vehicles occupied by 7-8 youths reached there. Three youths alighted from the same. One of whom was identified by the complainant to be Onkar Singh son of Swarn Singh who was already known to him. They went towards the milk Nav Dairy and opened an assault upon Navjot Singh, owner of the Dairy. One of them struck a blow with datar on the head of Gagandeep Singh brother of the complainant with intent to kill him. His brother fell down and blood started oozing from his injury. The complainant raised clamour and the occupants of those vehicles made exhortation that Navjot Singh and brother of the complainant should not be let alive. However, as other persons had started gathering there, the assailants fled away. The injured were rushed to the hospital. After registration of FIR, investigation proceedings have been initiated. The complainant got his supplementary statement recorded on 19.06.2025 and disclosed the names of six of the assailants. The victim Gagandeep died on 19.06.2025. Offence under Section 103 of BNS was added.

3. As per further allegations, during the course of investigation, accused Baljinder Singh @Sabhi, Onkar Singh and Sabhi son of Kawaljit Singh surrendered in the Court. They were arrested. The accused

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Baljinder and Onkar Singh suffered disclosure statement on the basis of which the present petitioner was nominated as an accused. The complainant also recorded supplementary statement on 30.07.2025 taking the name of the present petitioner. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which was dismissed by the Court of learned Sessions Judge, Gurdaspur vide order dated 08.08.2025.

4. 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. The disclosure statement suffered by the co-accused against him cannot be considered to be admissible in evidence. He has been named due to political rivalry with accused Baljinder Singh who had contested the last Panchayat election but since the wife of the petitioner had been elected as such, therefore, he was inimical towards his family and took his name with an oblique motive. No specific injury has been attributed to him. The injured eye-witness Navjot Singh has sworn an affidavit about innocence of the petitioner and co-accused Deepak Kumar. He is ready to join the investigation. His custodial interrogation is not required. No specific act has been attributed to him. It is, therefore, urged that he deserves to be extended benefit of anticipatory bail.

5. Per contra, learned Deputy Advocate General, Punjab has vehemently argued that there are serious allegations against the petitioner

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as he was an active participant in the occurrence. He had caught hold of the victim Gagandeep from his arms and then co-accused Baljinder Singh had struck blow with datar on his head whereas others had also caused injuries to him. For conducting proper and thorough investigation in the matter, his custodial interrogation is must. The petitioner has criminal antecedents. It is, therefore, urged that he does not deserve to be extended benefit of pre arrest bail.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly, is alleged to have caught hold of the victim Gagandeep when the other accused had caused injuries to him. The petitioner has been linked to the crime with the aid of Section 190 of BNS. No doubt, under this section, the liability of the other members for the offence committed during the continuance of the occurrence rests upon the fact whether the other members knew before hand that the offence actually committed was likely to be committed in prosecution of common object. Such knowledge has to be reasonably collected from the nature of the assembly, arms or behaviour at or before the scene of action and for that purpose, in the considered opinion of this Court, proper and thorough investigation is required to be conducted in the matter and hence, custodial interrogation of the petitioner is also required. In case,



the same is denied to the investigation agency, that shall leave many glaring loopholes and gaps, adversely affecting the investigation. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. The powers of anticipatory bail are extraordinary and the same are to be exercised sparingly in exceptional circumstances. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

	(MANISHA BATRA)
	JUDGE
11.11.2025	
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No