

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

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**CRM-M-48661-2024 (O&M)
Date of decision: 14.01.2025**

Sukhpreet Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Vipin Mahajan, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS'), the petitioner seeks anticipatory bail in case FIR No.105, dated 13.11.2023, registered under Sections 304, 148 and 149 of IPC at Police Station Qadian, Police District Batala, District Gurdaspur.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on 13.11.2023 on the statement of complainant Shammi Kumar alleging therein that on 12.11.2023, the petitioner, while driving a Safari car, reached near his house. Some unknown persons, one Peshi and Kaka were accompanying the petitioner. They were armed with *datars*. They caught hold of his nephew Gurpreet Singh @ Gopi and started hurling abuses. On hearing commotion, victim/mother of the complainant, namely Raj Rani, had reached there. The petitioner and others had a scuffle with her as well. They hurled abuses to her.

As a result of the scuffle, the victim had fallen down. She had started vomiting

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blood. She was rushed to the hospital but died. After registration of the FIR, investigation proceedings have been initiated and the same are underway. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Gurdaspur but the same had been dismissed, vide order dated 08.04.2024.

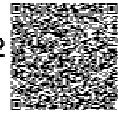
3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case due to political fraction in the village with an intention to ruin his service career. He is posted as Lance Naik in Indian Army. No specific overt act has been attributed to him. There is no allegations that he had caused any injury to the victim or had pushed her on the ground. His custodial interrogation is not required. He is ready to join the investigation. No recovery is to be effected from him. Therefore, it is urged that the present petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Senior Deputy Advocate General, Punjab has vehemently argued that there are serious and specific allegations against the petitioner. As per post mortem report, the victim had suffered a head injury, which is obvious cause of her death. Custodial interrogation of the petitioner is required for conducting thorough investigation in the matter. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable and have also gone through the record carefully.

6. As per allegations in the FIR, a scuffle had taken place between the victim and nephew of the complainant on one side and the petitioner and co-accused on the other side. Due to scuffle, the victim had fallen down on the

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ground and started vomiting blood, on which, she was rushed to the hospital but she died. As per post-mortem report, subdural hemorrhage of about 100 cc was present around brain extending upto base of skull. The death of the victim is apparently homicidal in nature. Custodial interrogation of the petitioner is required for conducting thorough investigation in the matter and for the purpose of eliciting the truth about the manner in which the offence was committed. The well settled proposition of law is that while considering an application for grant of anticipatory 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 including intimidating witnesses. The powers under Section 482 of BNSS are to be exercised in extraordinary and sparing circumstances. More so, custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. Many useful information can be disinterred during custodial interrogation. It has also to be seen that an order of anticipatory bail does not operate as inroad in the normal legal procedure of criminal cases by the trial Court. It is also a matter of discretion to grant or not to grant pre-arrest bail. Keeping in view the discussion as made above, I am of the considered opinion that no extraordinary or sparing circumstance entitling the petitioner to seek concession of pre-arrest bail has been made out rather his custodial interrogation is required for thorough investigation in the matter by the police. Accordingly, finding no merit, the petition is dismissed.

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7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

14.01.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

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