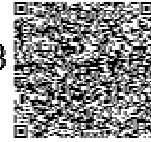


2025:PHHC:117478



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

CRM-M-47802-2025

Date of decision: September 01, 2025

Prabhsharan Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Jasdeep Singh Gill, Advocate for the petitioner.

Mr. Gurpartap Singh Bhullar, AAG Punjab.

Mr. Sachin Sharma, Advocate and
Mr. Manpreet Singh, Advocate for the complainant.

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.85 dated 22.04.2025, registered for the offences punishable under Sections 109, 190, 191(3), 61(2), 324(4) of BNS, 2023 and Section 25 & 27 of the Arms Act, 1959, at Police Station Sidhwan Bet, Police Distt. Ludhiana Rural, District Ludhiana.

2. The gravamen of the FIR in question reflects that the present case was registered on the basis of a statement made by Mandeep Singh s/o Surjit Singh r/o 1612 Mandevilla Lane, Seres, CA-95307 (USA), presently residing at Mohi, P.S. Sudhar, District Ludhiana, aged 56 years. According

to the complainant, he alongwith his brother-in-law is co-owner of 31 acres of agricultural land in villages Taraf Kotli and Munabbarpur. Until March 2024, the aforesaid land was leased to one Jatinderjit Singh s/o Bhawandeep Singh r/o Tiharha. Thereafter, the complainant started cultivating the crops. On 25.03.2025, FIR No.61/25 was registered at Police Station Sidhwan Bet against accused Gagandeep Singh and others on the complaint of the complainant. Further, on 14.04.2025, the complainant alleged that he received information that said Gagandeep Singh and his associates attempted to illegally harvest his wheat crop. Later on with the intervention of the Police, the matter was settled. However, on 22.04.2025 at about 10.00 AM, the complainant was informed that accused Prabhsharan Singh (petitioner herein) alongwith Gurmail Singh s/o Gurmail Singh, Jaswinder Singh s/o Gurdial Singh, Jaswinder Singh s/o Kartar Singh, Kuldeep Singh s/o Kulbir Singh, Harjit Singh r/o Kashipur (Uttarkhand) and 7/8 unknown persons were harvesting his crop. Thereafter, the complainant with his family members and associates reached the spot in the vehicles. As the complainant alongwith their associates arrived, the accused, who were hiding with weapons, opened fire at them with intent to kill. The complainant alleged that the shots were fired by accused Prabhsharan Singh (petitioner herein), Kuldeep Singh and Harjit Singh. The bullets struck the vehicle of the complainant and it narrowly missed him. One bullet struck the associate of the complainant, namely, Gupreet Singh in the abdomen. He was taken to Civil Hospital, Jagraon and later referred to DMC Ludhiana. The complainant further alleged that this attack was carried out at the behest of accused Gagandeep Singh and Jamail Singh and their motive was the ongoing land dispute. However, upon arrival of the police, all the assailants

fled in the vehicle alongwith their respective weapons. Based on this set of allegations, the instant FIR was duly registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that, though, the petitioner has been alleged to have fired a shot, but no specific injury has been attributed to him. Learned counsel has further submitted that it has not clearly come forth in the prosecution version that which fire arm, allegedly made by the petitioner and his co-accused, hit the door of the vehicle in question, its tyre and to Gurpreet Singh (injured). Learned counsel further argued that registration of the FIR in question is being managed by the local police just to help the complainant in his nefarious designs of taking possession of the land belonging to the petitioner and his family members. Learned counsel has iterated that perusal of the FIR in question would show the complainant party to be aggressors. Learned counsel asserts that the police have not conducted a fair and impartial investigation and the inquiry conducted so far is not only incomplete but also tainted with bias. It is next submitted by the learned counsel that no recovery is to be effected from the petitioner or at his instance. Moreover, the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Furthermore, the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. It is lastly submitted by the learned counsel that the present petition be allowed and the petitioner be granted the concession of the anticipatory bail.

4. *Per contra*, 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. Learned State counsel has iterated that there are specific and direct allegations against the petitioner. The complainant has specifically named the petitioner alongwith co-accused and clearly attributed the role of use of firmarms. Furthermore, the injuries sustained by the injured (Gurpreet Singh) are grievous in nature. Given the severity of the offence, there exists a substantial likelihood that the petitioner may abscond or tamper with the evidence if he is enlarged on bail. Furthermore, custodial interrogation of the present petitioner is essential to ascertain the identities and roles of other co-accused, who were also involved in the commission of the offence and were present at the scene of the occurrence.

5. Learned counsel for the complainant has vociferously opposed the grant of anticipatory bail to the petitioner by raising submission in tandem with the learned State counsel.

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. As per the version put forth by the prosecution, on the alleged day of occurrence, the petitioner fired gunshot towards the complainant and his companions, and thereafter, co-accused, namely, Kuldeep and Harjit Singh also fired towards them with an intention to kill them. The gunshots hit the vehicles and the complainant had narrowly escaped. Another shot was fired, which hit abdomen of Gurpreet Singh. The incident does not merely reflect a physical assault but amounts to a targeted and premeditated act of aggression against the complainant and others, which was being carried out in a broad daylight on the land of the complainant while harvesting the wheat crop.

The petitioner has been specifically named in the FIR, and the nature of the injuries attributed to him is serious and life-threatening, reflecting the severity of the alleged act. 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 complainant has categorically stated that the petitioner along with co-accused and as part of an unlawful assembly, acted

in furtherance of their common object inflicted multiple injuries upon the complainant & his associates.

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 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.”

9.1. In view of the seriousness of the allegations, the dangerous nature of the injuries, and the overtly violent conduct of the accused as

reflected in the available evidence, this Court finds no compelling ground to extend the benefit of discretionary relief to the petitioner. Granting bail at this stage would not only undermine the administration of justice but may also embolden the accused and pose a threat to the safety and well-being of the victim and other witnesses. In view of the gravity of the allegations, the specific role attributed to the petitioner, the serious nature of injuries sustained by the victims and the necessity of custodial interrogation for a fair and thorough investigation, 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.

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

September 01, 2025

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No