



CRM-M-50583-2025

-1-

(221)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50583-2025

Date of decision :22.09.2025

SIMARANDEEP SINGH @ SIMARANDEEP SINGH @ SIMMA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Mudit Johar, Advocate with
Mr. Manu Sachdeva, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 BNSS, 2023 is for the grant of anticipatory bail to the petitioner in case FIR No.15 dated 07.02.2023 registered under Section 379B of IPC (Section 201 IPC added later on) at Police Station Hathur, District Ludhiana Rural.

2. The present FIR came to be registered at the instance of Avtar Singh @ Tari S/o Jeet Singh and the same reads as under:-

“Statement of Avtar Singh @ Tari son of Jeet Singh S/O Bachan Singh resident of Patti Mori ki Manuke Police Station Hathur District Ludhiana Age about 38 years Mob: No. 98776-36021 stated that I am a resident of the above address, and I am single. That I have opened a private dairy near my village Manuke Chhapad and I am doing milk business. I collect milk from the surrounding villages for my dairy.



CRM-M-50583-2025

-2-

Yesterday on 06-02-23, I was going back to my village Manuke via Hathur from village Deewana District Barnala after collecting milk for my dairy. It must have been around 10 pm when my own vehicle, Chota Hathi with ZIP number PB09Q6399, which I was driving, reached near Lakha village, a white Alto car came from behind and stopped in front of my milk vehicle. About 5-6 boys, who had their faces covered with cloths, got out of the vehicle and stopped my vehicle. Those boys threatened me to hand over everything to them. I got scared and they took away the Rs. 800 in my pocket and the mobile phone Samsung J-7 with the SIM number 98775-77376 from me. They abused me and they got in their car, Alto, and drove towards Lakha village, whose number I read as PB31L4201. After this incident, that happened to me, I have stayed at home till now, due to fear and panic and I told my brother-in-law Sukhwinder Singh S/O Bhupinder Singh, resident of Kacha Malak Road, Jagraon about this incident. He brought me to the police station and recorded my statement. What I heard is correct. Please take appropriate legal action against the drivers of the aforementioned Alto car and the 5-6 unknown persons in the car who robbed me and bring me to justice. Statement by Avtar Singh.”

3. During the course of investigation, on 08.02.2023, the Investigating Officer showed the complainant an Alto Car bearing No.PB-31-L-4201 in a damaged condition. The complainant identified the car as the same one in which 5/6 unknown persons had come and snatched an amount of Rs.800/- and his mobile phone.

On 05.03.2023, the complainant suffered a supplementary statement that on an inquiry he had come to know that the persons who

**CRM-M-50583-2025****-3-**

had snatched his money and mobile phone were Sabar Alam S/o Mohammad Sameem R/o Village Bhadaur, Gurwinder Singh S/o Bawa Singh R/o Village Bhadaur, Manpreet Singh @ Sewak S/o Bhola Singh R/o Village Bhadaur, Simarandeep Singh @ Simrandeep Singh @ Simma (petitioner) S/o Sukhmander Singh, Parkash @ Peeta and Swaran Singh @ Bhau Amritsaria. On this statement, these persons were nominated as accused.

It also transpired that Sabar Alam, Gurwinder Singh, Manpreet Singh @ Sewak and Ram Rai had been arrested in FIR No.25 dated 03.02.2023 U/s 382, 379-B, 506, 148, 149 IPC P.S. Dialpura. They were taken on production warrants and arrested in the present case.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. No one is named in the FIR. The petitioner has been nominated later on the supplementary statement of the complainant without any basis whatsoever. As he is ready and willing to join investigation, he is entitled to the concession of anticipatory bail.

4. A reply dated 21.09.2025 by way of an affidavit of Harjinder Singh, PPS, Deputy Superintendent of Police, Raikot District Ludhiana (Rural) has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he contends that the petitioner and his co-accused were duly named in the supplementary statement of the complainant. The co-accused of the petitioner were arrested and have admitted the factum of



CRM-M-50583-2025

-4-

having committed the offence in question. As the offence stands *prima facie* established and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is certainly necessary.

5. I have heard the learned counsel for the parties.

6. The Hon'ble Supreme Court in the case of ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr.*** 2022 Live Law (SC) 870 held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory



bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.

7. Though, neither the petitioner nor his co-accused are named in the FIR, during investigation, it transpired that the petitioner and his co-accused were travelling in an Alto Car bearing No.PB-31-L-4201. The complainant in his supplementary statement has duly named all the



CRM-M-50583-2025

-6-

accused including the petitioner. The co-accused of the petitioner were arrested and have also disclosed the name of the present petitioner. *Prima facie*, the offence stands established. Further, to take the investigation to its logical conclusion, the custodial interrogation of the petitioner is certainly required.

8. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

9. However, the observations made hereinabove are only for the purposes of deciding this bail petition and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made herein.

(JASJIT SINGH BEDI)
JUDGE

22.09.2025
JITESH

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