



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

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**CRM-M No.60537 of 2024
Date of decision: 28.02.2025**

DAVINDER SINGH ALIAS DC**.... Petitioner**

Versus

STATE OF PUNJAB**.... Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Mr. Daljeet Singh Virk, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (oral)

1. The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short-‘BNSS’) by the petitioner for grant of anticipatory bail in case arising out of FIR No.91 dated 02.11.2024 registered under Section 105 of Bharatiya Nyaya Sanhita, 2023 (for short-‘BNS’), at Police Station Phul, District Bathinda.

2. The aforementioned FIR has been registered on the basis of statement recorded by the complainant-Gurjant Singh on 02.11.2024 alleging therein that on the night of 31.10.2024, at about 10 PM, his elder son-Kuldeep Singh had gone to the house of the petitioner who lived in his neighbourhood. His son was brought back to home by the petitioner at about 11 PM. On reaching home, he had fallen down and had died. His dead body was got cremated by the complainant as his family and he himself were in shock. He alleged that he had come to know subsequently that the petitioner had given an injection to his son leading to his death. After registration of the FIR,



investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner had moved an application for grant of pre arrest bail which had been dismissed by the Court of Learned Additional Sessions Judge, Bathinda vide order dated 20.11.2024.

3. It is argued is by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. There is delay of 2 days in reporting the matter to Police. No post-mortem examination of the dead body of the victim, had been conducted. The FIR was registered on instigation and pressure exerted upon the Police by Lakha Sidhana who was a gangster and turned into the social activist. The death had occurred in the house of the complainant and the petitioner had no involvement in the same. He is ready to join the investigation. His custodial interrogation is not required. No purpose would be served by detaining him in custody. No recovery is to be effected from him. Accordingly, it is urged that the petition deserves to be allowed.

4. Status report has already been filed by the respondent-State.

5. It is argued by learned State counsel that there is serious allegations against the petitioner. His custodial interrogation is required for conducting thorough investigation in the matter. He is a man of criminal antecedents as a case bearing FIR No.4 dated 12.01.2025 has also been registered against him under Section 25 of the Arms Act. No extra ordinary circumstance has been made out for grant of pre-arrest bail. Accordingly, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length.



7. The son of the complainant had admittedly died on the night of 31.10.2024. The allegations are that he had gone to the house of the petitioner at 10 PM on that night and immediately after reaching back home at about 11 AM, he had died. The allegations against the petitioner are serious in nature. For conducting thorough investigation in the matter, his custodial interrogation is must. Moreso, it is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as inroad in the normal legal procedure of criminal cases by the trial Court. 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 Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. 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, I am 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.

9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

28.02.2025

Jyoti-IV

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable : Yes/No