



CRM-M-59464-2025

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

103-1

CRM-M-59464-2025

Date of decision: 03.11.2025

Pujesh Yadav

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ishwinderpal Singh, Advocate for the petitioner.

Mr. Amit Goyal, Additional Advocate General, Punjab.

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.97 of 2024 dated 07.12.2024, registered for the offences punishable under Sections 103(1), 238 and 3(5) of BNS, 2023, at Police Station GRP, Jalandhar, Hoshiarpur, Punjab.

2. As per the case put forth in the FIR in question, it reflects that the GRP, Jalandhar, initiated proceedings after discovering the body of a 32 years old man near Kilometer 39/32-34 Railway Track. The deceased had multiple injuries — five on the right cheek, two on the left cheek and one each behind the head and left ear. An FIR was registered against unknown persons. During inspection, the police found a bunch of hair clutched in the left fist of the deceased, which, alongwith bloodstained soil was collected as evidence. On 11.12.2024, Subhash Yadav identified the deceased as Ashish Kumar son of Parshotam Yadav from Bihar. On 15.12.2024, Chunni Lal



Yadav stated that his nephew Sonu Yadav had confessed to killing deceased Ashish Kumar. Sonu disclosed that on 04.12.2024, after an arguments and a slap from Ashish Kumar, he took him to the railway tracks on 05.12.2024 made him consume liquor excessively and attacked him with a sharp edged weapon. Sonu was later apprehended while attempting to flee. During the course of interrogation, Sonu (a juvenile) revealed that he had been contacted via WhatsApp by Mithu and Pujesh Yadav (petitioner herein), who were allegedly embroiled in a land dispute with the father of the deceased, Ashish Kumar. They allegedly offered him Rs.3.00 lacs to murder Ashish Kumar. It has been further alleged that the Sonu had admitted to killing Ashish after intoxicating him and later assisted the police in recovering the weapon and other incriminating items concealed in bushes.

3. Learned counsel for the petitioner has iterated that the petitioner is an innocent person who has been falsely implicated into the FIR in question. The petitioner has no connection whatsoever with the alleged offence. Learned counsel has further iterated that the name of the petitioner does not appear in the FIR and has been roped in solely on the basis of the disclosure statement of Sonu Kumar (Juvenile-in-Conflict with law). Learned counsel has further submitted that the entire case rest purely on hearsay and on successive statements recorded under Section 161 Cr.P.C./180 BNSS, which possesses no evidentiary value in the eyes of law. According to learned counsel, there exists no direct or circumstantial evidence whatsoever connecting the petitioner with the commission of alleged crime. To buttress his arguments, learned counsel has place reliance on the judgment of the Hon'ble Supreme Court titled as *Parvat Singh v.*



State of Madhya Pradesh (2020) 4 SCC 33 to contend that statements recorded under Section 161 Cr.P.C. cannot be used against the accused except for contradictions. According to learned counsel, the allegations levelled against the petitioner are false, frivolous and baseless. A bare reading of the FIR discloses that no *prima facie* case is made out against the petitioner and his name has been roped in the FIR without any cogent basis. Furthermore, the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Learned counsel asserts that the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. On the basis of aforesaid submissions, the grant of instant petition is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the offence is grave and serious in nature. Learned State counsel has iterated that the offence in question is heinous and premeditated, involving a contract killing executed through a juvenile. According to learned State counsel, the disclosure statement of Sonu Kumar clearly implicates the petitioner, who allegedly offered a monetary inducement of ₹3 lakhs to commit the murder on account of a land dispute with the family of the deceased. Furthermore, the recovery of the weapon and other incriminating articles pursuant to the disclosure lends material corroboration to the prosecution case. Learned State counsel has further iterated that the custodial interrogation of the petitioner is imperative to unearth the financial trail and ascertain the extent of the larger conspiracy. It is contended that the grant of anticipatory bail at



this stage may hamper the ongoing investigation and lead to tampering with evidence or exert undue influence upon witnesses, particularly in view of the fact that all the accused hail from the same village in Bihar. Accordingly, a prayer has been made for the dismissal of the instant petition in order to facilitate effective investigation into the alleged offence.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.
6. 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.”

7. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The allegations against the petitioner are grave and serious in nature and the nature of the act i.e. the conspiracy to commit murder for monetary gain indicates motive and premeditation. Although the statements under Section 161 Cr.P.C./180 BNSS are not admissible as substantive evidence but the same can form part of the investigation justifying further inquiry and custodial interrogation at the pre-trial stage. At this stage, the Court cannot ignore the seriousness of



the allegations and the nature of the offence which involves committing murder of a person. In the considered opinion of this Court, at the stage of considering the plea for anticipatory bail, the Court is not to evaluate the evidence but only to see whether *prima facie* allegations disclose a serious offence. The disclosure statement of the juvenile accused, which has led to recovery of the weapon of offence and other incriminating articles from the place of concealment, cannot be ignored while considering the plea for grant of anticipatory bail.

8. Furthermore, the recovery when read in conjunction with the motive arising out of the property dispute, *prima facie* establishes a nexus between the petitioner and the alleged offence. The investigation is at a crucial stage and granting anticipatory bail at this juncture may seriously impede the process of investigation, particularly the tracing of the financial transaction allegedly promised to the juvenile for the commission of the crime. The possibility of the petitioner absconding or exerting influence over witnesses cannot be ruled out, considering his proximity to the co-accused and the gravity of the allegations. In the considered opinion of this Court, granting anticipatory bail at this stage may hamper the ongoing investigation. 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. Moreover, the seriousness of the offence involving the loss of human life and the alleged role of the petitioner in facilitating the commission of the crime cannot be lightly brushed aside and *prime facie* indicates complicity of the petitioner.



9. Upon careful perusal of the material on record and the nature of allegations levelled, this Court is of the considered view that there exists a specific and direct accusation upon the petitioner. The role ascribed to the petitioner is not vague or omnibus but is rather precise meriting no indulgence at this preliminary stage of investigation. 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. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. 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, (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 information 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.”

10. In view of the gravity of the allegations, the specific role attributed to the petitioner 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 *milieu* of the case in hand.

11. In view of the prevenient ratiocination, it is ordained thus:

- (i) The instant petition is devoid of merits and is hereby dismissed.
- (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
- (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

November 03, 2025
Ajay

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