

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

2025.PHHC.152997



110

CRM-M-62215-2025

Date of decision: 06.11.2025

Jagtar Singh @ Jagga

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Karanjeet Singh Brar, Advocate for the petitioner.
Mr. Tarun Aggarwal, Addl.AG, Haryana.
Mr. RPS Jammu, 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.0251 dated 18.10.2025, registered for the offences punishable under Sections 126, 140(3), 190, 191(2), 191(3), 333, 351(2) of BNS 2023 (Sections 115(2), 117(2), 140(4), 331(7) of BNS 2023 added later on) at Police Station Kalan Wali, District Dabwali.

2. The gravamen of the FIR in question is that the complainant Vakil Singh in his complaint made to the police has stated that he is a resident village Dhani, District Sirsa and engaged in farming. The agricultural fields of his family adjoin those of the petitioner. It was further alleged that whenever son of the petitioner Lovepreet Singh visits his fields

in the evening, he habitually consumes liquor and throws empty glass bottles into my fields. He further submitted that he has repeatedly objected to this behaviour and reprimanded the petitioner (herein) and his son Lovepreet Singh, on several occasions. However, instead of mending their conduct, they started abusing him and began harbouring a grudge against me. On 18.10.2025, at about 1:00 AM, while he was sleeping within the boundary of his *Dhani*, and his wife, Smt. Pramjeet Kaur, mother were sleeping inside the room of the house situated in the *Dhani*, the petitioner alongwith his son Lovepreet Singh along with 4–5 unidentified persons, came to his *Dhani* in a tractor-trolley and started forcefully knocking on the gate. When he opened the gate, son of the petitioner namely Lovepreet Singh was holding an iron rod, while the petitioner and the other persons were carrying wooden sticks (*dangs*) and all of them entered the premises of the complainant and started assaulting him. When the complainant raised alarm by shouting “*Maar Diya, Maar Diya,*” they forcibly lifted him, put him inside the tractor-trolley, and took him to their fields. There, they threw the complainant down from the trolley and again started beating me mercilessly with iron rods and sticks. Jagtar Singh @ Jagga and 4–5 others held me down, while Lovepreet Singh struck a blow with the iron rod on the calf of my right leg and twisted my leg using the rod. Jagtar Singh @ Jagga also hit the complainant on his left hand with a stick. Thereafter, all of them loaded the complainant back into the tractor-trolley and dropped him me at the gate of my *Dhani*, threatening to kill him before fleeing the spot with their weapons. He raised an alarm that he had been attacked, upon which his wife came out, and he narrated the entire incident to her. She immediately contacted Sarvjeet Singh, son of Kulwant Singh, resident of Village Deshumalkana, who came

to the spot, arranged for his medical assistance, and got the complainant admitted to the Government Hospital, Kalanwali. The doctor at Government Hospital, Kalanwali, provided first aid and referred the complainant to the Government Hospital, Sirsa. However, instead of taking the complainant there, Sarvjeet Singh admitted him to City Health Care and Neuro Research Centre, Sirsa, for treatment. He further alleged that Lovepreet Singh, Jagtar Singh @ Jagga, residents of Village Deshumalkana, along with 4–5 unidentified persons, have assaulted him without any justification with iron rods and sticks. On these set of allegations the present FIR has been alleged against the petitioner and his co-accused.

3. Learned counsel for the petitioner has submitted that the accused is an innocent person and has been falsely implicated in the present case. He further submits that the parties are closely related and live in the same village. The complaint is a result of family land partition disputes and strained relations, and has been falsely and vindictively lodged out of internal enmity. Co-accused Lovepreet Singh has already been arrested; the entire recovery, MLR and investigation regarding injuries stand completed. neither inflicted any injury nor was he armed with any weapon. The FIR itself reveals serious inconsistencies and exaggeration, as there is a delay of nearly 17 hours in lodging the report. He has further argued that no independent witness or neighbour has been cited, although the alleged occurrence is said to have taken place near the complainant's residence. Learned counsel for the petitioner further submits that the petitioner has no role whatsoever with the alleged commission of offence. Learned counsel has iterated that neither any specific injury has been attributed to the petitioner nor any motive has come forth to show allege involvement of the

petitioner in committing the offence in question. Learned counsel asserts that the in the instant case, the FIR fails to include material facts, which further raised questions about its credibility and fairness. 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, nothing is to be recovered from the petitioner and he 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*, the learned State Counsel assisted by Mr. RPS Jammu, Advocate for the complainant has opposed the grant of anticipatory bail to the petitioner by arguing that the offence is of a serious nature. The investigation with respect to the petitioner is still ongoing and the petitioner has specifically been named in the FIR. The petitioner was carrying a *danda* in his hand. As per the investigation, the petitioner alongwith his co-accused trespassed into the house of the complainant at midnight and manhandled the complainant. Learned State counsel has iterated that the custodial interrogation of the petitioner is imperative for the purpose of effective and fair investigation and to unearth the case of the prosecution. According to learned State counsel, in case the petitioner is granted the concession of pre-arrest, at this stage, it may impede the ongoing investigation.

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(CrI) 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, as he has been specifically named in the FIR. Further, specific role has been attributed to the petitioner to the effect that he was carrying a wooden *danda* in his hand and he alongwith his co-accused trespassed into the house of complainant at midnight and manhandled the complainant. He alongwith his co-accused gave beatings to the complainant and had also abducted the complainant to a passage in their fields and gave beatings to him with iron rod and *dandas*.

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.

8. Furthermore, the investigation is still at a crucial stage, and custodial interrogation of the petitioner is considered necessary to unearth the complete facts and to ascertain involvement of any other persons connected with the case. The petitioner is yet to be arrested and grant of anticipatory bail, at this stage, may prejudice the ongoing investigation. The apprehension expressed by the prosecution that the petitioner, if released on bail, may abscond or attempt to influence witnesses also appears to be not without basis. Given the seriousness of the offence, the stage of investigation and possibility of tampering with evidence or obstructing justice, this Court

this juncture. Moreover, in view of the serious allegations, the custodial interrogation of the petitioner is indispensable and crucial for unearthing the broader conspiracy and identifying the other accomplices that may be within the exclusive knowledge of the petitioner. Moreover, the grant of anticipatory bail at this premature stage may seriously prejudice the ongoing investigation and potentially result in tampering with evidence or influencing material witnesses.

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.”

10. In view of the gravity of the allegations and nature of offence, since the necessity of custodial interrogation would arise 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.
11. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
12. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

November 06, 2025
Naveen

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