



CRM-M-63014-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

104

CRM-M-63014-2025

Date of decision: 11.11.2025

Lovejit Singh alias Love

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ashish Aggarwal, 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.11 dated 06.02.2025, registered for the offences punishable under Sections 109, 309(4), 3(5) of BNS, 2023 and Section 25 and 27 of the Arms Act, 1959 at Police Station Fatehgarh Churian, District Batala.

2. The FIR *ibid* was registered on the basis of the statement of Inderjit Singh @ Lovely, owner of Lovely Jewellers, Fatehgarh Churian. He alleged that on 05.02.2025 at about 09:00/09:30 PM, his son, Yuvraj Singh informed him that an unidentified white car occupied by some young men was following him. Upon this, the complainant and his brother Jagjit Singh told Yuvraj Singh not to panic and to drive the car swiftly towards the shop. When the son of the complainant Yuvraj Singh reached, the same white car stopped nearby and its occupants tried to open the car door of the

Yuvraj Singh. Upon Yuvraj Singh stepping out, the unidentified assailants



snatched the goods he had brought from Amritsar. When the complainant and his brother Jagjit Singh intervened, two of the assailants armed with a pistol and a revolver, opened fired resulting in one bullet hit on the front side of right shoulder of the complainant and the other bullet hit on the right side of chest of brother of the complainant. The complainant and his brother retaliated using their licensed weapons upon which the assailants fled away from the scene in another vehicle parked nearby. Subsequently, the police registered the present FIR under Sections 109, 309(4), 32(5) of BNS and Sections 25 and 27 of the Arms Act against unknown persons. Subsequently, vide rapat No.22 dated 07.02.2025, the petitioner and other co-accused were named. During investigation, it was revealed that Harnek and Simratpal were the ones who fired upon the complainant and his brother while the petitioner and other co-accused accompanied them during the commission of the offence.

In respect of the same incident, a cross-version was registered vide DDR No.21 dated 07.02.2025 on the complaint of Kuldeep Kaur wife of deceased Harnek Singh alleging that it was, in fact, the complainant party, who had first opened fire, causing the death of her husband Harnek Singh.

3. Learned counsel for the petitioner iterated that the instant case is one of version and cross version and the petitioner has been falsely implicated at a later stage solely on the basis of the supplementary statement of Kuldeep Kaur. Learned counsel has further iterated that there is no independent evidence, recovery or credible material linking the petitioner to the alleged crime, particularly when as per the complainant's version, only three unknown assailants were involved. Learned counsel has further



assigned any specific role in the alleged firing incident. According to learned counsel, the medical examination of the complainant and his brother was conducted after an unexplained delay of 13 days, rendering the prosecution version doubtful. Learned counsel has further iterated that the allegations in the FIR do not attribute any overt act to the petitioner. Learned counsel has further submitted that the petitioner has been falsely implicated by the complainant in a fabricated case. Learned counsel asserts that the petitioner is innocent and is in no way connected with the alleged crime. The version presented by the complainant in the FIR is false, frivolous and baseless. Learned counsel has further submitted that 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. On the basis of these submissions, the grant of instant petition is entreated for.

4. *Per contra*, learned State counsel (on the strength of advance notice) has opposed the grant of anticipatory bail to the petitioner by arguing that the allegations raised against the petitioner are extremely serious, involving the use of firearms which resulted in gunshot injuries to two individuals persons and ultimately led to the death of Harnek Singh. According to learned State counsel, the petitioner was a part of the group that followed and attacked the son of the complainant and his presence is established from the statement of Kuldip Kaur and other evidence collected during investigation. Learned State counsel has emphasized that the



is necessary to recover the weapons and establish the sequence of events. On the strength of these submissions, the dismissal of the instant petition is canvassed for.

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 enroped 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 FIR *ibid* reflects that the present case arise out of a serious occurrence involving cross-firing which resulted in a death and multiple gunshot injuries. The role attributed to the petitioner cannot be brushed aside at this stage particularly when the investigation indicates his presence with the co-accused at the spot of occurrence. The plea that the name of the petitioner was introduced subsequently in the supplementary statement of Kuldeep Kaur cannot be accepted at this stage, as the investigation is going on and the statement of several witnesses are yet to be recorded. The veracity/weightage of rival version(s) as also the question as to who was the



aggressors, are matters of evidence, to be determined during the course of trial and not at the stage of considering the plea for anticipatory bail.

8. Furthermore, the petitioner is not a person of clean antecedents as he is also involved in another case i.e. FIR No.122 dated 14.12.2024. No cause *may* 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 petitioner is a part of the group that followed and attacked the son of the complainant which resulted in gunshot injuries to two persons and the death of one Harnek Singh. The manner in which the incident occurred, as described in the FIR, clearly reflects the involvement and conduct of the petitioner and his co-accused which disentitled him him for the grant of anticipatory bail.

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. 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 have established a reasonable basis for the involvement of the petitioner in the alleged crime. 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 Hon'ble Supreme Court held as under :



“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 task of disinterring offences would not conduct themselves as offenders.”

10. In view of the gravity of the allegations, the specific role attributed and the necessity of the 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 11, 2025
Ajay

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