



CRM-M-63592-2025

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

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CRM-M-63592-2025

Reserved on: 14.11.2025

Date of Decision: 29.11.2025

DILDAR SINGH

.....PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued By: Mr. G.S. Kaura, Advocate
for the petitioner.

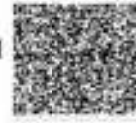
Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

Mr. Karnail Singh Ahhi, Advocate
for the complainant.

SURYA PARTAP SINGH, J. (Oral):

1. This is a petition seeking for anticipatory bail, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita 2023, hereinafter being referred to as 'BNSS', in a case arising out of FIR No.249 dated 23.09.2025, Police Station Sohana, District Mohali, under Sections 309(4), 309(6), 123 and 61(2) of Bharatiya Nyaya Sanhita, hereinafter being referred to as 'BNS' only.

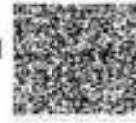
2. Briefly stating the facts emerging from record are that the FIR of this case came into being on the complaint of Sukhjot Singh, who had stated before the police that he was a property dealer by occupation and that on 15.09.2025 on his Snap Chat, he received a message from an ID of Kirat Dhaliwal seeking for flat on rent in Sector 109, Pearl Residency, SAS Nagar. According to complainant he shared his number with the above-said person



and later on i.e. on 17.09.2025, he received a call from mobile No.90561-23501 from Kirat Kaur Dhaliwal, who told him that she wanted to see the flat. As per complainant, he was also told that she was not having any vehicle and requested the complainant to pick her up from Sector-68 Mohali. The complainant further alleged that he went to Sector-68 picked up Kirat Kaur Dhaliwal and in the car she disclosed her identity as Pawanpreet Kaur d/o Balwant Singh. According to complainant on the request of Pawanpreet Kaur, he went to a tea shop and bought two cups of tea and handed over the tea to Pawanpreet Kaur. As per complainant thereafter, on the request of Pawanpreet Kaur he went to buy fries from Churi House, Sector-68, Mohali. The complainant further alleged that thereafter, they went to see a flat in Pearl Residency Sector-109 but here he felt dizziness and lost conscious. According to complainant his gold chain, bracelet and gold ring weighing 04 tola, 04 tola and 07 grams, respectively, were taken away by the above-named lady and that he regained conscious in the hospital, wherein his uncle told him that he was shifted there from the flat, in an unconscious state.

3. It is the case of the prosecution that in view of above-mentioned complaint, formal FIR of this case was lodged and the investigation taken up. According to prosecution during the course of investigation the prime accused Pawanpreet Kaur @ Kirat Dhaliwal was taken into custody, who on interrogation suffered a disclosure statement revealing therein the involvement of petitioner in the commission of crime.

4. Heard.



5. It has been contended on behalf of petitioner that petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that with *mala fide* intentions, he has been implicated in the present case. According to petitioner once Pawanpreet Kaur @ Kirat Dhaliwal was arrested, police raided the house of petitioner and contacted him on telephone. As per complainant in response to the call of the police, he visited Police Post Saneta, where he was illegally detained, tortured and a demand of rupees 26 lakhs, for exonerating him from the allegations, was made. As per complainant he withdraw rupees one lakh from an ATM situated near the Police Post and paid to ASI Parshant and Head Constable Narender.

6. The petitioner has further alleged that he was released from police custody with instruction to bring Rs.25,00,000/- as bribe and that with regard to above-mentioned conduct of the police officers, he lodged complaint with Chief Minister, Punjab, DGP, Punjab, SP, Mohali and Vigilance Bureau, Punjab and that his complaint was registered vide reference No.RC4S8JUO at Anti Corruption Action Line. It has also been alleged by the petitioner that once the above-mentioned complaint was made to the Vigilance Bureau on 18.10.2025 the Investigating Officer started harassing him by recording a false and frivolous disclosure statement of co-accused on 19.10.2025.

7. While claiming that the disclosure statement suffered by co-accused has no legal sanctity and cannot be read against the petitioner, the petitioner has urged for the benefit of bail. In this regard the petitioner has referred to the principles propounded by the Hon'ble Supreme Court of India in the case of ***Jugraj Singh Vs. State of Punjab Criminal Appeal No.3640 of***

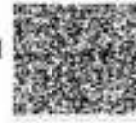


2025 and by this High Court in the case of ***Saleem Vs. State of Punjab CRM-M-10342-2025***, wherein it has been observed that the disclosure statement suffered by co-accused is not a reliable piece of evidence. In view of above-mentioned arguments, learned counsel for the petitioner has requested for the benefit of anticipatory bail for the petitioner.

8. *Per contra*, the learned State counsel has argued that the allegations against the petitioner are with regard to commission of offence of serious nature for which the punishment prescribed is imprisonment up to 14 years, and that in the present case in order to establish the link between the main accused and the petitioner, and also for recovery of stolen property, custodial interrogation of the petitioner is of paramount importance.

9. To deal with given fact-situation, the principles of law laid down by the Hon'ble Supreme Court of India in the case of '**Vijay Singh Vs. The State of Haryana' Special Leave to Appeal (Crl.) No.1266/2023** are relevant. In the above mentioned case, the petitioner was not present on the spot at the time of recovery and he was implicated solely on the basis of statement of co-accused. The Hon'ble Supreme Court of India in the above mentioned case afforded the benefit of bail to the accused.

10. Similarly, in the case of '**Surender Kumar Khanna Vs. Intelligence Officer Directorate of Revenue Intelligence' 2018(3) RCR (Criminal) 954**, it has been held by the Hon'ble Supreme Court of India that the disclosure statement of co-accused is inadmissible against another accused, as the disclosure statement is not a substantive piece of evidence against other accused.



11. Similar principle has been laid down by the Hon'ble Supreme Court of India in the case of '**Preet Kamal Vs. State of Punjab**', 2018(4) RCR (Criminal) 938, wherein it has been held that the disclosure statement of an accused can be used only against the person making the same, and not against the co-accused.

12. In '**Tofan Singh Vs. State of Tamil Nadu**', 2021(4) SCC 1 also, it has been observed by the Hon'ble Supreme Court of India that confessional statement of accused recorded under Section 67 of NDPS Act cannot be admitted in evidence, as a confession.

13. The record has been perused carefully.

14. A perusal of the record shows that there are several factors which are required to be taken into consideration at this stage. Those factors are:-

- i) that in the FIR there is no reference to the effect that any male was involved in the commission of alleged offence;
- ii) that the story set up by the complainant in itself is, too, unnatural and improbable to inspire confidence;
- iii) that the entire prosecution case qua petitioner is resting upon the plea that the co-accused has suffered disclosure statement. However qua above-mentioned disclosure statement, there are serious doubts about its credibility and admissibility in the evidence, as the same is apparently hit by Section 23 of Bharatiya Sakshya Adhiniyam;
- iv) that there is nothing on record to show that custodial interrogation of the petitioner would prove any fruitful result, particularly when there is documentary evidence to prove that the petitioner has filed a complaint against the IO before the Vigilance Bureau.



- v) that custodial interrogation of the petitioner is not likely to serve any fruitful purpose;
- vii) that the investigation and trial of the case is not likely to be concluded in near future;
- viii) that there is nothing on record to show that if the benefit of anticipatory bail is afforded, the petitioner is likely to tamper with the evidence, or influence the witnesses;
- ix) that there is nothing on record to show that if petitioner is released on bail, he will not participate/co-operate in the trial.
- x) that the factual matrix of the present case shows that in the absence of any opportunity of custodial interrogation of the petitioner no adverse impact on the collection of evidence during the course of investigation will take place;

15. If the cumulative effect of all the above-mentioned factors is taken into consideration, it transpires that the present case is a fit case wherein in order to protect a person, who has dared to file a complaint against the corruption of a police officer, the benefit of anticipatory bail should be accorded to him.

16. As a sequel to above-mentioned observations, it is hereby held that the petitioner is entitled for the benefit of anticipatory bail and the present petition deserves to be allowed. Hence, the present petition is hereby allowed and it is hereby ordered that in the event of his arrest, the petitioner shall be admitted to anticipatory bail on furnishing bonds to the satisfaction of Arresting Officer. However, the above-mentioned benefit of anticipatory bail shall be subject to following conditions:

- a that the petitioner shall join the investigation as and when required by the investigating agency;



- b that he will not leave the country without prior permission of the Court;
- c that he will not influence the witness or interfere in the process of collection of evidence by the investigating agency; and
- d that he will abide by the conditions as specified under Section 482(2) of the BNSS.

17. The present petition stands allowed, accordingly.

(SURYA PARTAP SINGH)
JUDGE

29.11.2025	Whether speaking/reasoned	Yes/No
<i>vipin</i>	Whether reportable	Yes/No