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

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**CRM-M-66017-2025
Decided on:21.11.2025**

Baljeet Singh**...Petitioner****Versus****State of Haryana****...Respondent****Coram : Hon'ble Mr. Justice Rajesh Bhardwaj**

Present: Mr. Arpandeep Narula, Advocate,
for the petitioner.

Rajesh Bhardwaj, J.

1. Prayer in the present petition, filed under Section 482 of the BNSS, 2023, is for grant of anticipatory bail to the petitioner in a case FIR No.113 dated 23.07.2025, registered under Sections 127(6) of the BNS, 2023 (Sections 103(1), 140(1), 140(3), 238 and 61(2) of the BNS, 2023 added later on), at Police Station Baragudha, District Sirsa.

2. Succinctly, the facts of the case are that the present FIR was registered on the complaint of Balkaran Singh, in which it was alleged that his son, namely, Gurpreet Singh was missing from the last 40 days and they tried their best to trace him out, however, he could not be traced. The request was made to trace his missing son. On registration of the FIR, the investigation commenced and during investigation, the complicity of the petitioner has been surfaced and, thus, he was arrayed as an accused. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Sirsa, for grant of concession of anticipatory bail, however, after hearing both the sides, the said relief was declined to him vide order dated 10.11.2025. Hence, aggrieved against the said order, the petitioner is before this Court by way of filing the present petition.

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3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. It is submitted that from a bare perusal of the FIR, it is apparent that no allegation was made against the petitioner by the complainant, rather he had levelled allegations that his son was missing since the last 40 days. It is submitted that supplementary statement of the complainant was recorded on 13.08.2025 and the petitioner was not named in the same, however, he has been roped in the present case only on the basis of disclosure statement of the co-accused, which is not admissible in evidence. It is also submitted that as per the case of the prosecution, the deceased was firstly kidnapped and, thereafter, he was caused injuries and after strangulating him, his dead body was thrown in the canal. He further submitted that from the investigation conducted so far, it is apparent that the petitioner was not present either at the time of kidnapping the deceased or at the time of causing him injuries or strangulating him. It is further submitted that the motive, as alleged, is against the co-accused and not against the petitioner and from the overall case of the prosecution, the petitioner has not been found to have committed any overt act and, thus, he deserves to be granted concession of anticipatory bail having no *prima facie* case made out against him.

4. Notice of motion.

5. On asking of the Court, Mr. Tanuj Sharma, AAG, Haryana, accepts notice on behalf of the respondent-State and vehemently opposed the bail application while submitting that the case in hand is of grievous nature. Son of the complainant, namely, Gurpreet Singh was kidnapped from his house and, thereafter, in a well hatched conspiracy, he was given beatings and strangulated and his dead body was thrown in canal. The dead body was traced from the canal in Rajasthan and the Rajasthan Police had committed the body on identification of clothes recovered from the dead body. It is submitted that

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on arrest of the co-accused, the complicity of the petitioner has now been surfaced on their disclosure statement. The investigation is on the initial stage and for unrevealing the mystery, custodial interrogation of the petitioner is required and, thus, no ground is made out for grant of concession of anticipatory bail.

6. After hearing learned counsel for the parties and perusing the available record, it is deciphered that the FIR in question was lodged regarding missing of the son of the complainant. However, during investigation, the co-accused were arrested and it is on their disclosure statement that the complicity of the other accused including the petitioner surfaced. The deceased was firstly kidnapped, then strangled and, thereafter, his dead body was thrown in the canal. During the investigation conducted so far, it has been found that after abducting the deceased from his village, he was given beatings by the accused including the petitioner and then he was strangled. From overall facts and circumstances of the case, this Court found that a thorough investigation is essential for unrevealing the mystery, for which custodial interrogation of the petitioner is necessitated. Thus, keeping in view the gravity and seriousness of the offences, the contentions raised by the learned counsel for the petitioner cannot be appreciated at this stage where he has approached this Court for the grant of concession of anticipatory bail. However, the same could be appreciated at the relevant stage.

7. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

“482. Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit,*

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direct that in the event of such arrest, he shall be released on bail.

2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including*
 - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
 - (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
 - (iv) *such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*

8. Hon'ble Supreme Court in State represented by **CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favorable order under Section 438 if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he 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

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

9. Hon’ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632**, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

10. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

11. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the present petition, being devoid of any merit, is hereby dismissed.

12. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

November 21, 2025
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(Rajesh Bhardwaj)
Judge

Whether Speaking/Reasoned: NO/YES
Whether Reportable: NO/YES