



CRM-M-68855-2025

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

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CRM-M-68855-2025

Palwinder Singh

...Petitioner

V/s

State of Punjab

...Respondent

Date of decision: 19.12.2025**Date of Uploading : 19.12.2025****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Amandeep Singh Manaise, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG 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.95 dated 29.10.2025, registered for the offences punishable under Sections 115(2), 126(2), 351(3), 3(5) and Sections 117(2), 132 (added later on) of BNS Act, at Police Station GRP Amritsar, District Govt. Railway Police, Amritsar.

2. The gravamen of the FIR in question reflects that the criminal proceedings were initiated based on a complaint made by Kanesh Sharma, son of Pratap Sharma, resident of village Jisau Garana, employed as Gateman at Railway Station Manawala. He alleged that on 26.10.2025, while he was performing his official duty and had closed the Railway Gate No.C-34 for the passage of trains; two persons came on a motorcycle in an



forcibly entered his cabin, threatened and assaulted him. He further alleged that one of the assailants picked up a railway iron rod (Tawi-Bari) and inflicted repeated blows resulting in a fracture below the left elbow of the complainant. On account of the assault, the complainant had to undergo surgery and remained under prolonged medical treatment. The FIR was initially registered against two unknown persons. During investigation, the complainant identified one accused, namely Jagroop Singh, who was arrested. During interrogation, Jagroop Singh disclosed the involvement of the present petitioner, leading to his nomination in the case.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question solely on the basis of the disclosure statement of the co-accused, which is inadmissible in evidence. Learned counsel has further iterated that there is no independent or corroborative material to connect the petitioner with the alleged offence. Learned counsel has further contended that the co-accused has falsely implicated the petitioner due to previous personal grudge. According to learned counsel, the implication of the petitioner is motivated, malicious and based on personal enmity and the petitioner has no role whatsoever in the alleged occurrence. Furthermore, no specific injury or overt act has been attributed to the petitioner in the FIR. Learned counsel has pointed out that there is an unexplained delay of three days in lodging the FIR which casts serious doubts on the veracity of the prosecution version and suggest the possibility of a fabricated narrative. Learned counsel has emphasized that co-accused Jagroop Singh has already been granted the concession of regular bail by the Court below vide order dated 19.11.2025



(copy whereof has been appended as Annexure P-2 with the present petition). On the principle of parity, the petitioner is also entitled to the same relief. It is next submitted by the learned counsel that no recovery is to be effected from the petitioner or at his instance. 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, the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. On the strength of these submissions, the grant of petition in hand is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the allegations levelled against the petitioner are serious in nature involving a brutal assault on a public servant who was performing his official duties. Learned counsel has further iterated that the FIR clearly discloses a cognizable offence wherein the complainant sustained grievous injuries including a fracture. Furthermore, during investigation, the complainant has identified co-accused Jagroop Singh, who was arrested and during interrogation he disclosed the involvement of the present petitioner which led to his nomination in the present case. Moreover, custodial interrogation of the petitioner is necessary to recover the weapon used in the offence and to ascertain the full chain of events. Considering the gravity of the offence, the manner in which it was committed and the involvement of the petitioner, the dismissal of the instant petition is prayed 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 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 in the present case disclose a grave and heinous offence wherein a public servant i.e. Gateman of the Railway Department, was assaulted while discharging his official duties. The nature of the duty being performed by the complainant was directly connected with ensuring the safe passage of trains and commuters. In the considered opinion of this Court, any interference with such duty(s) has serious repercussions on public safety and cannot be viewed lightly. Furthermore, the medical evidence on record corroborates and *prima facie* establishes that the complainant suffered grievous injuries including a fracture below the left elbow, for which surgical intervention was required. The manner in which the alleged assault was carried out using an iron rod demonstrates the violent and aggressive conduct of the assailants. No cause *nay* plausible cause has been shown, at



falsely implicated into the present FIR. It goes without saying that in the instant case, the complainant has categorically stated that the petitioner along with co-accused and as part of an unlawful assembly, acted in furtherance of their common object inflicted grievous injuries to the complainant including a fracture on the left elbow.

8. It is well settled that while exercising jurisdiction under Section 482 BNS, the Court must consider the nature and gravity of the accusation, the role attributed to the accused, the likelihood of fleeing from justice and the possibility of tampering with evidence of influencing witnesses. The contention of the petitioner that his nomination is based solely on the disclosure statement of the co-accused cannot be conclusively examined at this stage. The scope of consideration of evidence/material at the stage of anticipatory bail is limited and the Court cannot go into the detailed appreciation of evidence or determine its admissibility, which is a matter to be decided during the course of trial. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. Furthermore, the contention of the petitioner regarding delay in registration of the FIR stands reasonable explained in view of the fact that the complainant was immediately hospitalized and underwent surgery on account of the injuries sustained. The plea of false implication on account of previous enmity is vague and unsubstantiated. No material has been placed on record to show existence of any such enmity or motive for false implication. Bald assertions without supporting evidence cannot be made the basis for grant of anticipatory bail. The principle of parity as invoked by the petitioner is also misplaced. The co-accused has been granted the



concession of regular bail whereas the petitioner seeks the concession of anticipatory bail which stands on a different footing. Each case must be evaluated on its own facts and the nature and role of each accused is to be independently assessed. Accordingly, the petitioner cannot claim parity with the co-accused as the principle of parity is not an absolute right and depends upon the conduct and circumstances of each accused. The material which has come on record, including the medical evidence 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, (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.”

9. Accordingly, this Court is of the considered opinion that the offences involving assault on public servants while discharging official duties strike at the root of law and order. Granting anticipatory bail in such



cases may undermine public confidence in the administration of justice. Taking into consideration the totality of the factual *milieu* of the case in hand, the gravity of offence, the nature of injuries caused and the role attributed to the petitioner, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail.

10. 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

December 19, 2025
Ajay

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