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CRM-M-4949-2026

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2026 PHHC-040631



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-4949-2026
Date of decision: 18.03.2026

JASPAL SINGH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Davinder Bir Singh, Advocate
for the petitioner.

Mr. Amrit Pal Singh Gill, DAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of anticipatory bail to the petitioner in FIR under Sections 305, 329(4), 324(4), 351(2), 61(2) of The Bhartiya Nyaya Sanhita (BNS), 2023, registered at Police Station Dugri, District Ludhiana.

2. Brief facts of the present case are that, the petitioner in connivance with other co-accused ousted the complainant from lawful possession of his flat and also usurped the valuable goods lying therein. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner



the said offence. He submits that the FIR in the present Case is concocted as it was the complainant who himself approached the petitioner for getting his flat renovated and handed over the keys of his flat to the petitioner. He further submits that the petitioner renovated the said flat and gave it on rent to co-accused-Simran with consent of complainant. He contends that after two months, a verbal dispute arose between the complainant-landlord and co-accused-tenant and thus, the present FIR was lodged. He submits that the present is a civil dispute between the landlord and tenant which has been given criminal colour. He further submits that even the possession of the said flat has been restored to the complainant. He submits that the petitioner is not involved in any other case and nothing is to be recovered from him. Learned counsel further submits that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency. Therefore, it is urged that the petition deserves to be allowed.

4. The status report has already been filed by the learned State counsel, who, relying upon the same, has vehemently opposed the petitioner's prayer for bail. It is submitted that the offence allegedly committed by the petitioner is serious in nature. The learned counsel further contends that the petitioner has been specifically named in the FIR, and that the complainant had reposed trust in him by granting access to his flat for the purpose of renovation. However, the petitioner, taking undue advantage of this trust, and in furtherance of his common intention with the co-accused, facilitated their entry and allowed them to take possession of



were removed and damaged. Accordingly, it is argued that the petitioner played a central role in enabling the illegal occupation of the complainant's flat, as well as in the removal and destruction of the articles therein. On these grounds, the learned State counsel has prayed for dismissal of the present petition.

5. Mr. Vaibhav Sehgal, Advocate has appeared on behalf of the complainant and has filed his power of attorney which is taken on record. He has opposed the prayer of the petitioner by submitting that the petitioner has played an active role in the offence. Hence, he prays that the present petition lacks merit.

6. Heard.

7. The allegations levelled against the petitioner are grave and disclose a prima facie case, wherein the petitioner, having been entrusted with access to the complainant's property for the limited purpose of renovation, is alleged to have misused the same in furtherance of a common intention with the co-accused by facilitating unauthorized occupation of the flat and causing removal and damage to the articles therein. The investigation conducted so far points toward requirement of deeper probe. While considering the plea for grant of anticipatory bail, this Court is required to consider the overall nature of offence and accusations against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection to the petitioner, at this stage. Granting anticipatory bail to the petitioner with such allegations, at this preliminary stage, would not be justified as it may affect the course

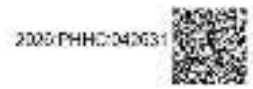


Considering the gravity of the allegations, the custodial interrogation of the petitioner is necessary for effective investigation in the matter.

8. 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 would be apposite to refer herein judgment of Hon'ble Supreme Court in '**State Vs. Anil Sharma', (1997) 7 SCC 187**, wherein it has been 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 information 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 finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation



of the petitioner is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is hereby dismissed.

10. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

18.03.2026
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(RUPINDERJIT CHAHAL)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |