

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

2026.PHHC.019796



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CRM-M-7069-2026

Karaj Singh

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

Decided on : 10.02.2026

Date of uploading: 10.02.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Prateek Gupta, Advocate for the petitioner.

Mr. Adhiraj Singh, 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.133 dated 13.09.2025, registered for the offences punishable under Sections 126(2), 115(2), 351(2), 191(3), 190, 324(4) of BNS 2023 (Sections 109 and 117(4) of BNS 2023 added later on), at Police Station Kulgarhi, District Ferozepur.

2. The gravamen of the FIR in question reflects that the present FIR was registered at the instance of the complainant- Gursewak Singh son of Gurmej Singh, resident of Village Jhok Harihar, aged about 29 years, who in his complaint made to the police has stated that he is an agriculturist by profession. He has two elder married sisters. In the year 2019, his wife

committed suicide by hanging herself at their house due to domestic issues, in connection whereof FIR No. 181 dated 2019 under Section 304-B IPC was registered against him and his parents at Police Station Kulgarhi, which case is presently pending before learned Additional Sessions Judge, Ferozepur. On 12.09.2025, the said case was fixed for hearing. After attending court proceedings, at about 1:45 PM, he along with his mother Simarjit Kaur and father Gurmej Singh was returning home in an Alto car. When they had crossed the Cantt. area and reached Muktsar Road near Fattuwalla Bridge, a white Fortuner and a white Swift Dzire carrying 7–8 armed persons attempted to surround their vehicle. Apprehending danger, he immediately telephonically informed his uncle's son Amarinder Singh. As their vehicle was old and being driven slowly, after covering a distance of about 1½ kilometers, the Swift Dzire overtook and blocked their car from the front. While attempting to turn towards Village Kande Shah Wala, the Fortuner struck their vehicle from behind with the intention to kill them, as a result of which their car overturned and fell into a field about 4–5 feet deep. Thereafter, 7–8 persons armed with weapons alighted from the vehicles. Among the said persons, his brother-in-law Karaj Singh (petitioner herein) was armed with an iron rod. The petitioner was accompanying by other accused persons namely Malkit Singh armed with an iron rod; Kulwant Singh armed with an iron rod (kapa); while the remaining unknown persons were armed with baseball bats. The complainant has alleged that the accused persons surrounded the vehicle and the petitioner (herein) raised a *lalkara* to teach him a lesson for killing their daughter. Whereas another accused Malkit Singh forcibly pulled him out of the vehicle and all the accused assaulted him with an intention to kill. He has further alleged that Two

unknown persons caught hold of his arms, whereupon the petitioner struck him with an iron rod on his right leg, knee and foot. Malkit Singh again inflicted blows with an iron rod on his left leg and knee. Kulwant Singh hit him on the shoulder with an iron rod. One unknown person kicked him on the face and Malkit Singh again struck him on the face with an iron rod. The petitioner (herein) further inflicted blows on the right side of his face. Upon people gathering at the spot, his uncle's son Amarinder Singh also reached there. Thereafter, all the accused fled from the spot along with their weapons in their respective vehicles. With the help of general public, his parents were rescued and he was taken to Amandeep Hospital, Ferozepur, where first aid was administered. Thereafter, he was shifted to Civil Hospital, Ferozepur. The complainant has alleged that accused persons attacked him and his parents with a clear intention to kill them. Upon these set of allegations, the present FIR came to be registered against the petitioner and other accused persons.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated into the FIR in question and has been arrayed as an accused solely on account of previous matrimonial dispute. It is submitted that the incident in question is a result of earlier FIR No. 181 of 2019 under Section 304-B IPC, which is still pending trial, and the complainant-side is misusing the pendency of the said case to harass the petitioner. It is argued that the allegations levelled in the complaint are concocted and improbable. No independent witness from the public, despite the alleged gathering at the spot, has been cited or examined to corroborate the version of the complainant. Learned counsel further submits that the petitioner has no criminal antecedents except the aforesaid matrimonial case. It is also

submitted that the FIR does not disclose material and essential facts, thereby casting serious doubt on its credibility and fairness. It is further argued that custodial interrogation should not be resorted to as a punitive measure and is warranted only when absolutely necessary for the recovery of material evidence, which is not the case herein. Moreover, the petitioner is ready and willing to join the investigation and cooperate with the investigating agency, and therefore no useful purpose would be served by sending him to judicial custody. Lastly, learned counsel prays that the present petition be allowed and the petitioner be granted the concession of anticipatory bail.

4. *Per contra*, learned State Counsel, has vehemently opposed the grant of anticipatory bail to the petitioner by arguing that there are specific and categorical allegations against him. It is argued that the petitioner was armed with an iron rod and inflicted blows on the complainant's right leg, knee and foot. The petitioner also gave blow of rod on the right side of the complainant's face. It is further submitted that the other accused persons also assaulted the complainant with iron rods, causing injuries to his legs, knee and face. It is further argued that the injuries sustained by the complainant have been declared to be grievous in nature. The investigation qua the FIR in question is still ongoing and recovery of alleged weapon is to be effected from the petitioner. Learned State counsel has iterated that the custodial interrogation of the petitioner is imperative for the purpose of effective and fair investigation and to unearth the case of the prosecution. According to learned State counsel, in case the petitioner is granted the concession of pre-arrest, at this stage, it may impede the ongoing investigation.

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 allegations put forth in the FIR, serious allegations have undeniably been levelled against the present petitioner. The FIR has been registered against the petitioner on the basis of specific and categorical allegations, wherein the complainant has alleged that the petitioner was armed with iron rod and gave injuries to him. The allegations against the petitioner are of causing injury on the leg, knee, foot and face of the complainant. The injuries sustained by the complainant have been declared to be grievous in nature. As per submissions made by learned State counsel, the investigation is still at a preliminary stage, and custodial interrogation of the present petitioner is necessary to unravel the truth. The learned counsel for the petitioner has failed to demonstrate that the case registered against him is false.

No cause *nay* 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.

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 is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. 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 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. In view of the gravity of the allegations and nature of offence, since the necessity of custodial interrogation would arise 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 matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby dismissed.

- 10. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
- 11. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

February 10, 2026
Naveen

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