

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

2026.PHHC.034995



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CRM-M-12414-2026

Jagsir Singh @ Mantado

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

Decided on : 07.03.2026

Date of uploading: 07.03.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Navjot Singh, Advocate for the petitioner
(Through V.C.).

Mr. Gaurav Gurcharan Singh Rai, Sr. DAG, 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.266 dated 21.10.2025, registered for the offences punishable under
Sections 109 126(2), 115(2), 351(2), 351(3), 191(3), 190 of BNS 2023, at
Police Station Bhawanigarh, District Sangrur.

2. The gravamen of the FIR in question reflects that the present
FIR has been registered on the basis of a complaint made by the
complainant, Karanvir Singh. He has stated that he had passed 10+2 and,

along with his friends Gagandeep Singh and Harmandeep Singh, was in the process of opening a cafe in the main market at village Channo, where the flooring work of their shop was underway. On the date of alleged incident i.e. 20.10.2025, at about 7:30 PM, when the complainant along with his aforesaid friends was leaving the shop on his motorcycle to go to his village Lakhawal, the petitioner (herein) alongwith his friends Sukhdeep Singh @ Prince, Sunny @ Nepali, Arshdeep Singh, Karan @ Gaira and Shauki and 2-3 unknown persons, allegedly arrived there on different vehicles. The petitioner was stated to be in an i-10 car, whereas Sukhdeep Singh @ Prince was on a motorcycle. The said persons allegedly started abusing them. The petitioner (herein) allegedly raised a *lalkara* exhorting that the complainant and his friends should not be allowed to escape. Thereafter, the petitioner allegedly inflicted a blow with an iron pipe fitted with a *garari* towards the complainant's head with an intention to kill him. Karan @ Gaira allegedly gave a *khapra* blow which hit the complainant on his right elbow, whereas Sunny @ Nepali allegedly inflicted a baseball bat blow on his left knee. Upon the complainant raising an alarm, his friends Harmandeep Singh and Gagandeep Singh came to his rescue but they were also allegedly beaten up by the accused persons. Upon these set of allegations, the present FIR came to be registered against the accused persons.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is further contended that there are material discrepancies between the version set out in the FIR and the statement of the complainant. Learned counsel further submits that as per the MLR, the injuries sustained by the complainant as well as his friends have been declared simple in nature and that the complainant has not suffered any grievous or life-threatening injury on his

head. It is also argued that the co-accused of the petitioner, namely Sunny Singh and Sumandeep Singh @ Shaunki, have already been granted the concession of regular bail by this Court vide order dated 19.02.2026 (Annexure P-2), and therefore, the petitioner also deserves the concession of bail on the ground of parity. Learned counsel asserts that the in the instant case, the FIR fails to include material facts, which further raised questions about its credibility and fairness. 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. It is lastly submitted by the learned counsel that the present petition be allowed and the petitioner be granted the concession of the anticipatory bail.

4. *Per contra*, learned State counsel, has vehemently opposed the grant of anticipatory bail to the petitioner by contending that the allegations levelled against the petitioner are grave and serious in nature. Learned State Counsel submits that there are specific and categorical allegations against the petitioner and his co-accused to the effect that they caused injuries to the complainant and his friends on the vital part of the body. 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 and other accused persons. The FIR has been registered against the petitioner and his co-accused on the basis of specific and categorical allegations, wherein the complainant has alleged that the petitioner and his co-accused had caused injuries on the vital part of the body. The argument raised by learned counsel for the petitioner seeking parity with the co-accused, who have been granted the concession of regular bail, cannot be accepted at this stage, as the allegations and role attributed to the present petitioner stand on a different footing. 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 and for recovery of alleged weapon. Learned counsel for the petitioner has failed to demonstrate that the case registered against the petitioner 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*** [***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-enconced 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

March 07, 2026
Naveen

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