



113

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-14940-2026**

Gursewak Singh @ Gosa

....Petitioner

versus

State of Punjab

....Respondent

Date of Decision: March 18, 2026**Date of Uploading: March 18, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Mr. Sukhjit Singh, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG, Punjab.

SUMEET GOEL, J. (Oral)

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.204 dated 23.10.2024, registered for the offences punishable under Section 310(2) of the BNS 2023, at Police Station Khanna City-2, District Khanna.

2. The gravamen of the FIR in question reflects that it has been registered on the basis of a complaint moved by complainant Rakesh Kumar son of Jai Bhagwan resident of Ward No.5, Azad Nagar, Khanna. The complainant in his complaint filed with the police has stated that on 22.10.2024 at about 3:15 PM, after completing parcel deliveries at various places in Khanna, he went to meet his brother Sunil Kumar at Manja Market, G.T. Road, Khanna. While he was conversing with his brother, 7-8 young

persons aged about 20–25 years, armed with iron rods (*dahs*), stopped him and forcibly restrained him by catching hold of his arms. One of the those forcibly took away a sum of ₹6,921/-, (parcel delivery amount), from the pocket of his pant. The complainant had tried to stop them, however, he could not prevent the occurrence. Thereafter, all the accused persons fled from the spot on three motorcycles. Subsequently, the complainant came to know the names of the accused persons as Jagdeep Singh @ Money, Sukhjit Singh @ Ravi @ Disc, Prince, Lalu, Gosa (petitioner herein) and Alley. Accordingly, upon these set of allegations, the present FIR came to be registered against the accused persons.

3. Learned counsel for the petitioner has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioner are concocted, improbable and devoid of any merit. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that the petitioner has no role in the present FIR, as on the day of the alleged occurrence, i.e. 22.10.2024, the petitioner, along with his family members, had gone to attend the marriage of his cousin sister at Village Ghudani, District Ludhiana, and remained there till evening. In support of the said plea, reliance has been placed upon photographs (Annexure P-2). It is further submitted that the co-accused, namely Prince, Davinder Singh @ Lalu, Jagdeep Singh @ Money and Sukhjit Singh @ Ravi, have already been granted the concession of anticipatory bail by the learned Sessions Court vide orders dated 17.12.2024, 23.12.2024, 17.12.2024 and 17.01.2026. It is, thus, contended that the petitioner is also entitled to the concession of anticipatory bail, on the ground of parity.

3.1. Learned counsel asserts that the police have not conducted a fair and impartial investigation and the inquiry conducted so far is not only incomplete, but also tainted with bias. Learned counsel has asserted that nothing is to be recovered from the petitioner. 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 aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. Learned State counsel has iterated that there are specific and direct allegations against the petitioner. Given the severity of the offence and no clean antecedents, there exists a substantial likelihood that the petitioner may abscond or tamper with the evidence, if he is enlarged on bail. 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. On these submissions, dismissal of the present petition is entreated for.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, indubitably, grave and serious allegations have been levelled against the petitioner. As per the version put forth by the prosecution, *prima facie* it emerges that the petitioner and other accused persons formed unlawful assembly and were armed with deadly weapons such as *iron daat*, and thereafter forcibly snatched money from the complainant. Furthermore, though it has been

contended that certain co-accused have been granted the concession of anticipatory bail, the case of the present petitioner stands on a different footing in view of the specific role attributed to him. The principle of parity is not absolute and is to be applied having regard to the role, conduct and attending circumstances of each accused.

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.

7. 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 interests. 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-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.”

8. In view of the seriousness of the allegations, this Court finds no compelling ground to extend the benefit of discretionary relief to the petitioner. 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**.

9. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

March 18, 2026

Naveen

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No