



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-18662 of 2026

Date of Decision: 07.04.2026

Jagseer Singh alias Jagser Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Ms. Riffi Birla, Advocate
for the petitioner(s).

Mr. Eklavya Darshi, Deputy Advocate General,
Punjab.

Surya Partap Singh, J.

1. This petition for anticipatory bail is the second petition filed by the petitioner under Section 482 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No. 221 dated 24.12.2025, for the commission of offence punishable under Section(s) 307 [Sections 317(2), 126(2), 351(2) & 351(3), 308 and 331(4) added later on] of 'the Bharatiya Nyaya Sanhita, 2023, Police Station City Fazilka, District Fazilka, Punjab.

2. The FIR of this case came into being at the instance of 'Khazan Singh' hereinafter being referred to as "complainant" only. It was stated by the above named complainant that he is a retired employee of FCI Department, and that in the intervening night of 23/24th December, 2025 at about 12:30 A.M., three young persons, with muffled faces, had entered his

room by forcibly opening the door. As per complainant his wife woke up and raised an alarm and thereafter, the above named three trespassers, who were armed with two sharp-edged weapons (kappas) and one pistol, threatened them and took away his wife's gold ear-rings, her gold necklace, silver bangles etc. along with currency notes amounting to ₹50,000/- and unstitched clothes.

3. It is the case of prosecution that pursuant to above-mentioned complaint, formal FIR of this case was lodged and the investigation taken up.

4. **Notice of motion.**

5. Since advance notice has already been served upon the State, Mr. Eklavya Darshi, Deputy Advocate General, Punjab accepts notice on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with.

6. Heard.

7. It has been contended on behalf of petitioner that the petitioner is innocent who has been falsely implicated in the present case and his name has subsequently been added by the complainant, by virtue of his supplementary statement. It has also been contended by learned counsel for the petitioner that the petitioner has strained relationship with his co-accused, namely 'Sonu Singh', and that they were not on talking terms. While claiming that the petitioner has been falsely implicated in the present case, the learned counsel for the petitioner has sought for the benefit of anticipatory bail for the petitioner.

8. The learned State counsel has controverted the above-

mentioned arguments. According to learned State counsel in the present case very serious allegations have been levelled against the petitioner, and that the weapon of offence, i.e. pistol, is yet to be recovered. The learned State counsel has contended that for recovery of the above-mentioned weapon of offence, custodial interrogation of the petitioner is required.

9. The record has been perused carefully.

10. With regard to exercise of discretion for grant of anticipatory bail, the Hon'ble Supreme Court of India in the case of 'Srikant Upadhyay v. State of Bihar' 2024 SCC OnLine SC 282', has observed that power to grant anticipatory bail is extraordinary power, and that irrespective of the fact that in a number of cases, it has been held that bail is a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is a rule.

11. The Hon'ble Supreme Court of India in the above mentioned case has further observed that rule of anticipatory bail is a question of judicial discretion depending upon the facts and circumstances of each case. According to Hon'ble Apex Court, when called upon to exercise the above said power the Court concerned has to be very cautious, as the grant of interim protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation.

12. The Supreme Court of India in the case of 'Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. The State of Maharashtra and Another' [Special Leave Petition (Criminal) No. 10255 of 2024, decided on 21.07.2024], has observed that anticipatory bail is an exceptional remedy and it ought not be granted in a routine manner. As per the Hon'ble Supreme Court, there must exist strong reasons for extending indulgence of this

extraordinary remedy to a person accused of grave offence.

13. Similarly, in the case of ‘Gurbaksh Singh Sibbia etc. v. State of Punjab’ 1980 SCC (2) 565, the Hon'ble Supreme Court of India held that:-

- a) The power under Section 438, Criminal Procedure Code, is of an extraordinary character and must be exercised sparingly in exceptional cases only.
- b) In addition to the limitations mentioned in Section 437, the petitioner must make out a special case for the exercise of the power to grant anticipatory bail.
- c) Where a legitimate case for the remand of the offender to the police custody under Section 167(2) can be made out by the investigating agency or a reasonable claim to secure incriminating material from information likely to be received from the offender under Section 27 of the Evidence Act can be made out, the power under Section 438 should not be exercised.

14. It shall not be out of place to mention here that right of custodial interrogation of the Investigating Agency is a valuable right and in the present case, if such right is denied to the Investigating Agency, it is likely to result into miscarriage of justice, as the investigation may not take a proper headway.

15. As far as the facts & circumstances of the present case are concerned, a careful perusal of the same shows that in the present case there are very serious allegations against the petitioner, i.e. entering in the house of complainant during night and snatching of valuable ornaments and cash

from the wife of complainant. It shall not be out of place to mention here that the petitioner, *prima facie*, is not alien to the commission of offence as from the possession of wife of petitioner stolen cloth pieces have been recovered. In the above-mentioned circumstance, in order to fix the role of petitioner in the commission of offence, and also for recovery of weapon of offence, i.e. pistol, custodial interrogation of the petitioner is necessary.

16. It is also relevant to mention here that the factual matrix of the present case does not show that there is any circumstance in the present case which may warrant the exercise of extraordinary jurisdiction vested in this Court by virtue of Section 482 of BNSS, i.e. the jurisdiction to accord the benefit of anticipatory bail.

17. Taking into consideration the cumulative effect of all the above-mentioned factors, it is hereby observed that the present petition is devoid of merits and deserves dismissal. Hence, the present petition is hereby **dismissed**, accordingly.

18. It is, however, clarified that any observations made in the above-mentioned order shall not be construed as an expression of opinion on the merits of the case.

(Surya Partap Singh)
Judge

April 07, 2026
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No