

103

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

CRM-M No.19292 of 2026

Date of Decision: 09.04.2026

Sanjeev

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Amit Dhawan, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.107, dated 05.06.2024, under Sections 307, 34 of IPC and Sections 25, 27 of Arms Act (Sections 302, 120-B of IPC added later on), registered at Police Station Sultanpur Lodhi, District Kapurthala.

2. Succinctly, the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Kulbir Singh @ Mithu. It was alleged that on 05.06.2024, at about 12:15 P.M., the complainant along with Sewa Singh @ Billa and Gurpreet Singh @ Gopi was coming on the motorcycle via Talwandi Madho Mathewal, then, three young persons, out of which, one, who was wearing the police



uniform and was driving the motorcycle, stopped us near passage at Jorian Motran. The person, who was in police uniform, conducted their search. On asking, the person, who was wearing the police uniform, told the complainant that he was Jatinder Singh @ Vicky and was posted at CIA staff, Jalandhar. Other two persons, disclosed their names to be Sandeep Singh @ Seepa son of Ram Chand and Gopi. They all started checking of complainant and Sewa Singh @ Billa. The complainant made a telephonic call to Sarpanch of the village, namely, Balvir Singh and gave the phone to said Jatinder Singh. Sewa Singh @ Billa also made a call to his brother Gauri and told him to come at the spot, thereafter, all three persons tried to move away from the spot. Sewa Singh @ Billa told them to stop. In the meantime, Gopi took out a pistol from his dub and targeted the same towards us. Gopi caught hold of Sewa Singh @ Billa from his neck and started pushing him and thereafter, he was instigated by Jatinder Singh, who was in police uniform, and Seepa to kill Sewa Singh by giving fire shot. Then, Gopi fired a shot from his pistol with intention to kill Sewa Singh, which hit on his stomach and he fell down on the ground. Thereafter, Sandeep Singh @ Seepa fled away from the spot on the motorcycle towards village Talwandi Madho. Jatinder Singh and Gopi also managed to escape from the spot. Sewa Singh @ Billa was got admitted in the hospital by his brother for treatment. During the treatment, he succumbed to the injuries on 18.06.2024. Thus, the request was made to take legal action against all the accused. On the basis of the same, the FIR was registered. On registration of the FIR, the

investigation commenced. Apprehending his arrest, the petitioner approached the Court of learned Additional Sessions Judge-I, Kapurthala praying for the grant of anticipatory bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge-I, Kapurthala declined the bail application filed by the petitioner vide order dated 06.03.2026. Hence, being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that the petitioner was not named in the FIR as the actual name of the petitioner is Sanjeev son of Ram Chand, whereas the petitioner disclosed his name as Sandeep Singh @ Seepa son of Ram Chand. He has submitted that neither the petitioner was even present at the spot, nor he was having any concerned or connection with the entire incident, however, he has been implicated in the present case because of the cousin of the main accused, namely, Jatinder Singh @ Vicky. He has further submitted that no injury has been attributed to the petitioner. He has submitted that neither the petitioner was known to the complainant or the deceased, Sewa Singh @ Billa nor the petitioner was having any enmity with them to commit the alleged crime. He has thus submitted that keeping in view the facts and circumstances of the case, the petitioner deserves to be granted anticipatory bail.

4. Notice of motion.

5. On asking of the Court, Mr. Raj Karan Singh, Asstt. A.G., Punjab appears and accepts notice on behalf of the respondent-State. He, however, has opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner was specifically named in the FIR as Sandeep Singh @ Seepa son of Ram Chand. He has submitted that allegations against the petitioner are serious in nature, which resulted into the death of one Sewa Singh @ Billa. He has further submitted that the petitioner and the co-accused represented themselves as police officials and thus committed a murder of innocent person, who was going for his work. He has further submitted that the investigation is at the initial stage. He has submitted that no case for the grant of anticipatory bail to the petitioner is made out and thus, the present petition deserves to be dismissed.

6. The Court has heard learned counsel for the parties and perused the record with their able assistance.

7. It has been transpired that complicity of the petitioner has been *prima facie* established as he was specifically named in the FIR as Sandeep Singh @ Seepa son of Ram Chand. The petitioner and other co-accused represented themselves as police officials. The petitioner in conspiracy with each other has committed the murder of Sewa Singh by giving him fire shots. Allegations against the petitioner are serious in nature. Needless to say that the investigation is at threshold.

8. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-

“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
 - (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
 - (iv) *such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*

9. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

“31. *In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the*

freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail.”

10. The Hon'ble Supreme Court in ***State Vs. Anil Sharma***, (1997) 7SCC 187, held as under:-

“6. *We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable 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.”*



11. Weighing the facts of the case on the anvil of the law settled, it is apparent that the case is under investigation and the complicity of the petitioner has been prima facie found. Needless to say, in the facts and circumstances, custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

12. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

09.04.2026

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

(RAJESH BHARDWAJ)
JUDGE