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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(268)

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Date of decision: 25.05.2026

Sukhdeep Singh

..... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Harmanpreet Singh, Advocate,
for the petitioner.

Mr. Athar Ahmed, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 BNSS (Section 438 Cr.P.C.) is for the grant of anticipatory bail to the petitioner in case FIR No.78 dated 27.03.2025 under Sections 308(2), 351(2) of BNS, 2023 (Sections 384 and 506 IPC) registered at Police Station Islamabad District Police Commissionerate.

2. The present FIR came to be registered at the instance of Rajan Kumar and reads as under:-

Statement of Rajan Kumar S/o Sh. Bhali Parsad R/o H. no. D5/179 Street no. 2, Mandir Wali near Khajan da Depot, Guru Nanak Pura, Kot Khalsa, Amritsar age about 50 years mobile no. 8837795816 stated that I am resident of above address and I am running factory of suit embroidery at Oppo. Holy City, School Dashmesh Nagar, Kot Khalsa, Main Road, Amritsar since year 2019 and approximately 6 year ago I had received a whatsapp call on my mobile phone via whatsapp, the number of

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which I do not remember. One person whose name was Raula R/o Gali no. 1, Chota Haripur, Amritsar who was lodged in Amritsar Jail in some case at that time and he had called me and demanded one lac rupees from me and had threatened me to kill me in case the money is not given to him. At that time I did not register any complaint in any police station or chowki and the younger brother of above Raula namely Sajan was also lodged in Amritsar Jail at that time. After that Raula above died inside Amritsar Jail. That some time ago, above Sajan has come out of jail being on bail who on 16.03.2025 at about 2/2.30 PM in the noon called me on whatsapp from mobile no. +351925162629 on my mobile no. and told me that he wanted to meet me as he is having some important work with me. On 17.03.2025 at about 9 AM in the day, above Sajan called from above number on my whatsapp and said that he is Sajan and I also know Sajan above and recognize his voice. He called me and said that he want to meet me and where are you and he was calling me again and again. I did not answer his call. After that when he again called me on 17.03.2025 at about 3:45 PM in the evening at that time he demanded one lac rupees from me and when I refused to give money then he threatened to kill me and on 25.03.2025 at about 6 PM in the evening he again called me two times but I did not answer his call and on 25.03.2025 at about 6:12 PM in the evening I received a call from Lakhan R/o Ram Nagar Colony, Islamabad, Amritsar who is working in my factory and informed that some youngsters had come in the factory and were asking about me. Out of them one boy wearing cap said that the owner of the factory would be present at home and let us go to his house. After that I locked the main gate of my house from inside and Sajan R/o Gali no. 1 Chota Haripur Amritsar at about 6:20 PM in the evening along with other youngsters including Jaspal R/o Chotta Haripur,

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Akash Sikander R/o Guru Nanakpura, Gauri R/o Bhutanpura and other unknown persons along with them whom I had seen in the cctv footage and I can recognize the unknown persons on seeing them. Above Sajjan was wearing black shirt and had wore cap on his head. They knocked the main gate of my house and called my name but we did not open the gate. At that time my wife Suman and children were present at house. When we did not open the gate then Sajjan along with his accompanies kept waiting outside the gate and after that they went away. Sajjan above had demanded one lac rupees ransom from me by calling on my mobile through whatsapp and when I refused to give money then above Sajjan came to my home and knocked the main gate of my house and if I would have come in front of them then they might have caused physical loss to me. Till now I have been trying to know about Sajjan and his accompanies through the cctv cameras installed in my house and in the street and today I was coming to inform you and you have met. Appropriate legal action be taken. SD/- Rajan Kumar.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact, the petitioner has not been named in the FIR and only one Gori has been named which name is alleged to be the *alias* of the petitioner. No injury has been caused to any one and no specific role has been attributed to the petitioner. The ransom call has been made by a co-accused/Sajjan @ Sajjan Nayyar only. In fact, ASI Parveen Kumar has falsely implicated the present petitioner. As the petitioner is ready and willing to join the investigation, he is entitled to the concession of anticipatory bail.

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4. The learned counsel for the State, on the other hand, while referring to the reply dated 20.04.2026 which is already on record, contends that the petitioner, namely, Sukhdeep Singh @ Gori is specifically named in the FIR as Gori. During the investigation, on the arrest of co-accused/Sajan @ Sajan Nayyar, the petitioner has been specifically named and it is stated that he was the part of a group attempting to extort money from the complainant. The complainant has categorically, not only named the petitioner but identified him through CCTV footage installed at his residence. Further, the petitioner is a habitual offender with multiple cases registered against him. As the offence is *prima facie* established and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is certainly required and therefore, he is not entitled to the concession of anticipatory bail.

5. I have heard the learned counsel for the parties.

6. The Hon'ble Supreme Court in the case of '***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022(4) RCR (Criminal) 977***', has held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the

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Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

*We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. **In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment.***



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Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

7. The petitioner is duly named in the FIR as one Gori resident of Bhutanpura. During the course of investigation, it has transpired that it is Sukhdeep Singh-petitioner who goes by the *alias* Gori and his place of residence is also Bhutanpura. Not only has the petitioner been specifically named and identified by his co-accused, the complainant himself has categorically named and identified him through CCTV footage installed at his residence. The statement of an independent witness, namely, Lakhan Mahajan also corroborates the prosecution version. As such the offence is *prima facie* established against the petitioner as well. Further, he is a habitual offender with multiple other cases registered against him.

8. As regards the antecedents and the role played by the petitioner, the relevant extract of the reply dated 2004.2026 filed by way of an affidavit of Jaspal Singh, PPS, Assistant Commissioner of Police, Central, Amritsar is

as under:-

15. Antecedents of the petitioner: That it is submitted that as per information provided by SHO PS Islamabad, Amritsar, the present petitioner Sukhdeep Singh @ Gori is also found involved in the following other criminal cases:

1. DDR No. 15, dated 11.05.2019, under Section 107, 151 Cr.P.C. PS Gate Hakima, Amritsar.

2. FIR No. 249, dated 29.05.2020, under Sections 326, 324, 506, 34 IPC, PS Islamabad, Amritsar.

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3. *FIR No. 445, dated 22.09.2022, under Section 307/34 IPC and 25 Arms Act, PS Islamabad, Amritsar.*

4. *FIR No. 139, dated 11.07.2024, under Section 25 Arms Act, 111, 310 (4), 310 (5) BNS, PS Islamabad, Amritsar.*

16. *Role of the petitioner:* *That the present petitioner Sukhdeep Singh @ Gori has been specifically named and identified as one of the active accomplices in the commission of the offence. As per the version of the complainant as well as the disclosure statement of co-accused Sajan @ Sajan Nayyar, the petitioner was part of the group that had conspired to extort money from the complainant Rajan Kumar. He, along with other co-accused persons, first went to the factory of the complainant and thereafter proceeded to his residence in furtherance of their common intention to pressurize and intimidate him for payment of ransom. The presence of the petitioner at the spot has been clearly established, and he has been attributed a specific role as a member of the unlawful assembly involved in criminal intimidation and attempted extortion. Further, the petitioner has deliberately absconded and concealed himself to evade arrest, which itself reflects his guilty intent and non-cooperative conduct in the investigation.*

17. *Evidence against the petitioner:* *The incriminating evidence against the petitioner is substantial and prima facie establishes his involvement in the commission of the offence. The complainant has categorically named the petitioner and identified him through CCTV footage installed at his residence. The statement of independent witness Lakhon Mahajan, who informed the complainant about the arrival of the accused persons at the factory, corroborates the prosecution version. Furthermore, the disclosure statement of co-accused Sajan @ Sajan Nayyar and fact disclosed by other co-accused persons*

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specifically name the petitioner as one of the accomplices who participated in the incident. The investigation has also revealed that the petitioner is the same person as the absconding accused "Gori" and his identity has been duly established. Additionally, the petitioner has criminal antecedents, being involved in multiple previous cases, which further strengthens the apprehension that he is a habitual offender and likely to indulge in similar criminal activities.

9. Keeping in view the aforementioned facts and circumstances, as the offence stands *prima facie* established and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is certainly required.

10. In view of the above, I find no merit in the present petition and the same stands dismissed.

11. However, it is made clear that the observations made in this order are only for the purpose of deciding this bail application and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made.

12. The pending application(s), if any, shall stand disposed of accordingly.

May 25, 2026
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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