



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

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CRM-M-22329-2026 (O&M)

Date of decision : 27.05.2026

Amarjot Singh & Anr.

..... Petitioner(s)

VERSUS

State of Punjab

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Ranjodh Singh Sidhu, Advocate for the petitioners.

Mr. Rohit Bansal, Sr. DAG Punjab.

SURYA PARTAP SINGH, J. (Oral)

This petition for pre-arrest bail is the first 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.141 dated 29.08.2025, for the commission of offence punishable under Sections 103(1), 191(3), 190, 61(2), 238 and 3(5) of Bharatiya Nyaya Sanhita, 2023 [Corresponding Sections 302, 148, 149, 120-B, 201 and 34 of Indian Penal Code, 1860], Police Station Jhabal, District Tarn Taran.

2. The FIR of this case came into being at the instance of 'Lakhwinder Kaur' hereinafter being referred to as 'complainant only'. It was stated by the complainant that the dead body of his son namely Gurpreet Singh @Gopi was recovered from a drain and that the abovementioned murder was committed by Amarjot Singh (the petitioner herein), Gurjant Singh, Gurbir Singh @Gora and other unknown persons on account of previous enmity. According to complainant, the cause of abovementioned



enmity was that her deceased son had taken a girl named Preet @Sharanpreet Kaur to Amritsar and kept her.

3. It is the case of the prosecution that in view of abovementioned statement, formal FIR of this case was lodged and the investigation taken up.

4. Heard.

5. It has been contended by learned counsel for the petitioner that the petitioner is innocent who has been falsely implicated in the present case and that the complainant is not an eye-witness in the present case. It has also been contended by learned counsel for the petitioner that the petitioner has clean antecedents and that there is no connecting evidence, to establish link between the commission of offence and the petitioner.

6. The learned State Counsel has controverted the abovementioned arguments. According to learned State Counsel there are very specific allegation against the petitioner in the FIR itself and that in view of contents of FIR, containing specific allegation against the petitioner, and the gravity of offence, the petitioner is not entitled to the benefit of bail. It has also been contended by learned State Counsel that investigation in the present case is still at nascent stage and all the facts pertaining to present case are yet to be crystallized. As per learned State Counsel in order to dig out truth behind the commission of offence, custodial interrogation of the petitioner is required.

7. The record has been perused carefully.

8. As far as the benefit of anticipatory bail is concerned, it is settled principles of law that the Court must be circumspect, while exercising power for grant of anticipatory bail and it should not be granted as a matter of routine. Rather as per law the abovesaid benefit should be



granted only when the Court is convinced that exceptional circumstances exist for the extraordinary remedy.

9. With regard to above, 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.

10. The Hon'ble Supreme Court of India in the abovementioned 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 abovesaid 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.

11. Similarly, 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), the Hon'ble Supreme Court of India has held 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.

12. 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:-



- (i) The power under Section 438, Criminal Procedure Code, is of an extraordinary character and must be exercised sparingly in exceptional cases only.
- (ii) 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.
- (iii) 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.

13. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision:-

- i) that allegation in the present case are with regard to commission of offence punishable under Section 103(1) of BNS;
- ii) that the allegation against the petitioner are quite specific and his name finds mention in the FIR;
- iii) that the reason behind the commission of offence, i.e. the previous enmity has also been explained by the complainant in the FIR;
- iv) that the facts of the present case are yet to crystallized, as the investigation is at nascent stage;
- v) that without custodial interrogation of the petitioner, it is not possible to dig out truth in the present case.

14. Taking into consideration the above-discussed facts and circumstances, and the principles of law laid down in the cases referred



above, it is hereby observed that instant case is the case wherein without affording the opportunity of custodial interrogation of the petitioner, to the Investigating Agency, investigation cannot take place in a proper manner. Thus, it is hereby held that the present petition being devoid of merits deserves dismissal. The same is hereby *dismissed*, accordingly.

15. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

16. Since the main petition has been dismissed, pending applications, if any, are rendered infructuous.

(SURYA PARTAP SINGH)
JUDGE

27.05.2026

Vinod

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No