



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

205

CRM-M No.24315 of 2026 (O&M)

Date of Decision:15.05.2026

Sukhpreet Singh Sidhu @ Sukh**.....Petitioner****Versus****State of Punjab****..... Respondent****CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH****Present:** Mr. B.S.Seemar, Advocate for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

For the benefit of anticipatory bail, the instant petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita 2023, in a case arising out of the FIR No.60 dated 13.03.2026, under Sections 103, 109, 126(2), 61(2), 324(4), 190, 191(3) of Bharatiya Nyaya Sanhita 2023 and Section 25/27 of Arms Act, Police Station Sadar Bathinda, District Bathinda.

2. The abovementioned FIR came into being at the instance of 'Harjinder Singh', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that he was owner of an agricultural land ad-measuring 2 ½ acres, and that a plot ad-measuring 1 ½ kanal owned by 'Jalandhar Singh' and 'Raja Singh' was adjacent to his agricultural land. According to complainant, a plot of 'Ranjit Kaur' was adjacent to the plot of 'Jalandhar Singh'.



3. It was further alleged by the complainant that on 13.03.2026, he along with 'Lal Singh', 'Harpreet Singh @ Honey' and 'Raja Singh' went to take a round of his land and when he was talking to 'Raja Singh' in his car, at about 11:00 am, three vehicles, i.e. one Swift, one Thar and one Scorpio, carrying number of unknown persons arrived there. The complainant further alleged that amongst them, 'Gurmeet Singh @ Dilpreet Singh' was travelling in Swift car and he, armed with a revolver, alighted from the car along with 2-3 persons. As per complainant, from the remaining two cars, 8-10 persons armed with various weapons alighted and proclaimed that they would eliminate 'Raja Singh' and launched an assault upon them. It was further alleged by the complainant that in the abovementioned assault, 'Raja Singh' hid behind a stack of bricks, but he (complainant) along with 'Lal Singh' and 'Harpreet Singh' came under assault, and that on account of gunshot fired by 'Gurmeet Singh @Dilpreet Singh', 'Harpreet Singh' and 'Lal Singh' suffered injuries. As per complainant, the injury suffered by 'Lal Singh' proved to be fatal.

4. The complainant further alleged that the abovementioned incident was orchestrated by 'Ranjeet Kaur', who was mastermind of the entire event, as her property was at stake in the dispute.

5. It is the case of the prosecution that pursuant to abovementioned statement, formal FIR of this case has been lodged and the investigation taken up.

6. Heard.

7. It has been contended by learned counsel for the petitioner that petitioner is innocent who has been falsely implicated in the present case



without any iota of evidence. According to learned counsel for the petitioner the name of the petitioner does not figure in the FIR, and that the only evidence collected against the petitioner is the disclosure statement of co-accused. With regard to above mentioned disclosure statement the learned counsel for the petitioner has contended that even in the first three disclosure statements of the co-accused there was no allegations against the petitioner that he was carrying any fire arm at the time of commission of crime.

8. It has also been argued by learned counsel for the petitioner that in fact, after filing of the present petition, which was filed in the Registry on 27.04.2026, one disclosure statement of co-accused 'Parampreet Singh' has been recorded on 30.04.2026 and in the above mentioned disclosure statement, for the first time, it has been mentioned that at the time of commission of crime the petitioner was carrying a pistol and he had fired a gun-shot towards the victim party. As per learned counsel for the petitioner *firstly*, the above mentioned disclosure statement in itself is, too, unnatural to believe and *secondly*, the same is not admissible in evidence.

9. With regard to above mentioned arguments learned counsel for the petitioner has referred to the principle of law laid down by the Hon'ble Supreme Court of India in the case of 'Maulana Mohd. Amir Rashadi Vs. State of U.P. and another', 2012(1) RCR (Criminal) 586, wherein it has been observed that on the basis of criminal antecedents the benefit of bail should not be denied to accused.

10. The learned counsel for the petitioner has also referred to the principle of law in the case of 'Surender Kumar Khanna Vs. Intelligence



Officer Directorate of Revenue Intelligence' 2018(3) SCC Online SC 757, wherein it has been held by the Hon'ble Supreme Court of India that the disclosure statement of co-accused is inadmissible against another accused, as the disclosure statement is not a substantive piece of evidence against other accused.

11. Similar principle has been laid down by the Hon'ble Supreme Court of India in the case of 'Preet Kamal Vs. State of Punjab', 2018(4) RCR (Criminal) 938, wherein it has been held that the disclosure statement of an accused can be used only against the person making the same, and not against the co-accused.

12. In addition to above, the learned counsel for the petitioner has also contended that nothing has been left to be recovered from the possession of petitioner, and that custodial interrogation of the petitioner is not likely to serve any purpose, and therefore, he is entitled for the benefit of anticipatory bail.

13. The learned State counsel has controverted the above mentioned arguments. It has been contended by the learned State counsel that in the present case in the FIR it was specifically mentioned by the author of the FIR that there were 8-10 unknown persons who were member of the assailant party, and that in order to ascertain the identity of the above mentioned persons the best possible way is the interrogation of co-accused. According to learned State counsel the accused 'Parampreet Singh' has disclosed that the petitioner was armed with a pistol and participated in the above mentioned incident by firing a gun-shot. The learned State counsel has further contended that in view



of prominent role assigned to the petitioner, in the commission of crime and also the gravity of offence wherein one person lost his life, custodial interrogation of the petitioner is necessary to fix his role in the commission of crime.

14. The record has been perused carefully.

15. By virtue of present petition, the benefit of anticipatory bail has been sought. With regard to anticipatory bail, 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.

16. 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.

17. 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.



18. 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.

19. 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:-

- (1) The power under Section 438, Criminal Procedure Code, is of an extraordinary character and must be exercised sparingly in exceptional cases only.
- (2) 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.
- (3) 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.

20. If the factual matrix of the present case is analysed in the light of above mentioned principles of law, it transpires that in the FIR there is reference of 8-10 unknown persons who were members of the assailants party, and thus, this plea of learned counsel for the petitioner does not carry much



weight that name of the petitioner does not figure in the FIR, and therefore, his involvement in the commission of crime cannot be alleged.

21. Since the co-accused has suffered a disclosure statement, wherein he has assigned a prominent role to the petitioner, in my considered opinion, in the given fact-situation custodial interrogation of the petitioner is necessary to fix his role, and the extent of involvement, in the commission of crime. It shall not be out of place to mention here that custodial interrogation of an accused is a valuable right of the investigating agency and in the cases where circumstances warrants such right of investigating agency should not be curtailed.

22. Taking into consideration the gravity of offence committed by the petitioner, allegations with regard to direct involvement of the petitioner in the commission of crime and other mitigating circumstances, it is hereby held that in the instant case no ground exists, wherein the extraordinary jurisdiction vested in this Court, by virtue of Section 482 of BNSS, should be exercised and the benefit of anticipatory bail should be accorded to the petitioner.

23. As a sequel to above mentioned discussion, it is hereby held that the petitioner is not entitled to the benefit of anticipatory bail. Thus finding no merits, the present petition is hereby **dismissed** accordingly.

(SURYA PARTAP SINGH)
JUDGE

15.05.2026
Manoj Bhutani

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