



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-24922-2026
Date of decision: 20.05.2026

KASHMIR SINGH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Yagsimant Attri, Advocate for the petitioner.

Ms. Amrit Kaur Mahir, AAG, Punjab.

RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the instant petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of anticipatory bail to the petitioner in FIR No.176 dated 11.12.2025 under Sections 103, 109, 351(2), 190, 191(3) of The Bhartiya Nyaya Sanhita (BNS), 2023 and Sections 25, 27, 54 and 59 of Arms Act, registered at Police Station Sirhali, District Tarn Taran (Annexure P-1).

2. Brief facts of the present case are that, the petitioner along with other co-accused persons fired gun shots and committed murder of one Ajay Pal Singh. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He submits that the petitioner was not named in the FIR and his name was subsequently added on 20.12.2025 through a



supplementary statement of complainant Atish Kumar, after about 9 days of the occurrence. He further submits that the case is of version and cross-version and DDR No.3 dated 15.12.2025 had already been lodged against the complainant party, wherein the complainant himself is an accused, and the petitioner has been implicated as a counterblast thereto. It is further contended that the allegations of firing are attributed only to co-accused Arshdeep Singh and Karanbir Singh and no specific role has been assigned to the petitioner. He submits that the petitioner is not involved in any other case and nothing is to be recovered from him. Learned counsel further submits that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency. Therefore, it is urged that the petition deserves to be allowed.

4. The status report has already been filed by the learned State counsel, who, relying upon the same, has vehemently opposed the petitioner's prayer for bail. It is submitted that the offence allegedly committed by the petitioner is serious in nature. The learned counsel further contends that the petitioner Kashmir Singh was an active participant of the unlawful assembly and, along with co-accused, fired upon the complainant party, resulting in the death of Ajaypal Singh. He further submitted that the petitioner has been specifically named by the complainant in the supplementary statement recorded before the Investigating Officer. Learned State counsel contends that the allegations against the petitioner are supported by the post-mortem report and, therefore, custodial interrogation of the petitioner is necessary for proper investigation. It is also contended that in case of release on bail, the petitioner may tamper with the prosecution



evidence and hamper the investigation. On these grounds, the learned State counsel has prayed for dismissal of the present petition.

5. Heard.

6. The allegations against the petitioner are serious in nature and disclose a prima facie case, as the petitioner is alleged to have been a member of the unlawful assembly and to have participated with the co-accused in firing upon the complainant party, resulting in death of Ajay Pal Singh. Although the petitioner was not named in the FIR initially, his name was subsequently disclosed in the supplementary statement of the complainant during investigation with specific allegations regarding his involvement in the occurrence. Considering the nature and gravity of the offence, this Court is of the view that grant of anticipatory bail at this stage may affect the fair investigation of the case. Moreover, custodial interrogation of the petitioner appears necessary for effective investigation.

7. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It would be apposite to refer herein judgment of Hon'ble Supreme Court in '*State Vs. Anil Sharma*', (1997) 7 SCC 187, wherein it has been held as under:

"6. We find, force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable 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 information 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."

8. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is hereby dismissed.

9. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

20.05.2026
Mohit Bishnoi

(RUPINDERJIT CHAHAL)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |