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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 18.05.2026

Dharampreet Singh alias Gaggi

...Petitioner

V/s

State of Punjab

....Respondent

Date of decision: 18.05.2026

Date of Uploading: 18.05.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Manu Sachdeva, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.86 dated 16.10.2024, registered for the offences punishable under Sections 109, 127(2), 132, 281, 170, 191(3), 190, 324(4), 324(5), 221 of BNS, at Police Station Hathur, District Ludhiana Rural.
2. The prosecution case, as emerging from the FIR, is that on 15.10.2024, during Panchayat election counting at Government High School, Village malla, the complainant Gurbakhsh Singh was performing duty as Presiding Officer/ARO at Booth No.103. The counting process for Panchayat elections was stated to have been completed peacefully and thereafter counting for the post of Sarpanch was undertaken in the presence



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Gurmel Singh was declared elected after securing 734 votes. It has been alleged in the FIR that one of the contesting candidates namely Amar Kaur, alongwith her associates, objected to the result and demanded disclosure regarding the manner in which individual voters had casted their votes. On being informed that the voting is secret and such disclosure was impermissible, the said person(s) allegedly started abusing the polling staff and thereafter went outside the counting room and brought a mob of approximately 100 persons who were armed with *gandasas*, *kirpans* and other sharp-edged weapons. The mob allegedly broke open the iron-gate and forcibly entered the counting premises. It has been further alleged that the assailants attempted to snatch the election material and attacked Home Guard namely Gurdev Singh with an intention to kill causing injuries to him. The polling staff and police personnel allegedly barricaded themselves inside the room while the mob continued attacking the premises for nearly one hour. On receipt of the information, the police reached at the spot and found signs of damage on the iron-gate and marks of attack by sharp-edged weapons whereupon the present FIR came to be registered.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question as the petitioner was not named in the initial FIR. Learned counsel has further iterated that the petitioner came to be nominated subsequently during the course of investigation on the basis of a statement allegedly made by Sarpanch Gurmel Singh and a General Diary entry dated 04.11.2024 wherein about 20 persons have been additionally arrayed as an accused. It has been further contended that no specific overt act has been attributed to the petitioner and the



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allegations are omnibus in nature arising out of a mob incident involving around 100 persons. It has been further asserted that the anticipatory bail application filed by the petitioner before the Court below has not been dismissed on merits but on account of non-joining of investigation owing to peculiar and unavoidable circumstances as another FIR bearing No.72 dated 17.07.2025 registered at Police Station Hathur is pending and at no point of time, the petitioner has been granted the protection simultaneously in both the cases. Furthermore, the prosecution has relied upon alleged video footage but the same is a matter of appreciation during the course of trial and in the absence of clear and direct role attributed to the petitioner, the custodial interrogation of the petitioner is not required in the factual matrix of the case. Moreover, the petitioner is ready; willing to join the investigation and undertake to cooperate with the investigating agency as and when required. It has been further asserted that the petitioner is neither at flight risk nor likely to tamper with the prosecution evidence; influence the witnesses in any manner and hence no useful purpose would be served by sending him behind the bars. On the strength of these submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the allegations raised against the petitioner are serious in nature arising out of an incident of violence during Panchayat vote counting. According to learned State counsel, in the alleged occurrence, the mob armed with deadly weapons forcibly entered the polling premises, damaged the government property and obstructed the public servants from discharging their official duties.



Learned State counsel has emphasized that the involvement of the petitioner has surfaced through statements of witnesses as well as electronic and video evidence collected by the investigating agency. Furthermore, the petitioner was a part of the unlawful assembly and the offence committed by the petitioner is serious in nature. Learned State counsel has iterated that the custodial interrogation of the petitioner is necessary for the purpose of effective and fair investigation, identification of co-accused and recovery of the weapon of offence used in the occurrence. According to learned State counsel, in case the petitioner is granted the concession of pre-arrest, at this stage, it may impede the ongoing investigation, obstruct recovery and adversely effect the efforts to apprehend the remaining co-accused.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.
6. It would be apposite to refer herein to a judgment of the Hon’ble Supreme Court titled as ***Kishor Vishwasrao Patil vs. Deepak Yashwant Patil and another*** passed in ***SLP(Crl) No.1125-2022***, relevant whereof reads as under:

“74. Ordinarily, arrest is a part of the process of the investigation intended to secure several purposes. There may be circumstances in which the accused may provide information leading to discovery of material facts and relevant information. Grant of anticipatory bail may hamper the investigation. Pre-arrest bail is to strike a balance between the individual's right to personal freedom and the right of the investigating agency to interrogate the accused as to the material so far collected and to collect more information which may lead to recovery of relevant information.

xxx	xxx	xxx	xxx
xxx	xxx	xxx	xxx

*75. Observing that the arrest is a part of the investigation intended to secure several purposes, in ***Adri Dharan Das v. State of W.B. [Adri****



Dharan Das v. State of W.B., (2005) 4 SCC 303 : 2005 SCC (Cri) 933], it was held as under : (SCC p. 313, para 19)

“19. Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance, to maintain law and order in the locality. For these or other reasons, arrest may become an inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 of the Code. The role of the investigator is well defined and the jurisdictional scope of interference by the court in the process of investigation is limited. The court ordinarily will not interfere with the investigation of a crime or with the arrest of the accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under Section 438 of the Code will amount to interference in the investigation, which cannot, at any rate, be done under Section 438 of the Code.”

76. In ***Siddharam Satlingappa Mhetre v. State of Maharashtra [Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514]***, the Supreme Court laid down the factors and parameters to be considered while dealing with anticipatory bail. It was held that the nature and the gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made and that the court must evaluate the available material against the accused very carefully. It was also held that the court should also consider whether the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.

77. After referring to **Siddharam Satlingappa Mhetre [Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514]** and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in **Jai Prakash Singh v. State of Bihar [Jai Prakash Singh v. State of Bihar, (2012) 4 SCC 379 : (2012) 2 SCC (Cri) 468]**, the Supreme Court held as under : (SCC p. 386, para 19)



“19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroped in the crime and would not misuse his liberty. (See D.K. Ganesh Babu v. P.T. Manokaran [D.K. Ganesh Babu v. P.T. Manokaran, (2007) 4 SCC 434 :(2007) 2 SCC (Cri) 345] , State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain [State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain, (2008) 1 SCC 213 : (2008) 1 SCC (Cri) 176] and Union of India v. Padam Narain Aggarwal [Union of India v. Padam Narain Aggarwal, (2008) 13 SCC 305 : (2009) 1 SCC (Cri) 1].)”

Economic offences

78. Power under Section 438 CrPC being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In Directorate of Enforcement v. Ashok Kumar Jain [Directorate of Enforcement v. Ashok Kumar Jain, (1998) 2 SCC 105 : 1998 SCC (Cri) 510], it was held that in economic offences, the accused is not entitled to anticipatory bail.”

15. In Sushila Agrawal and others v. State (NCT of Delhi) and Another reported in (2020) 5 SCC 1, Constitution Bench of this Court held that while considering an application for grant of pre-arrest bail the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence or likelihood of fleeing justice. The Court held:-

“92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court.”

7. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. As per the



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alleged violence during Panchayat election counting where a large mob is stated to have forcibly entered the counting centre armed with deadly weapons; damaged the public property; obstructed the election officials in discharge of their official duties and attacked the security personnel deployed at the polling station. Though the petitioner has not been named in the initial FIR but during the course of investigation subsequently, his alleged involvement surfaced on the basis of statement(s) recorded during investigation and video footage collected by the Police. The plea of the petitioner that he has been falsely implicated on account of omnibus allegations does not persuade this Court in view of nature of allegations and the collective role attributed to members of unlawful assembly. Furthermore, this Court cannot lose sight of the fact that the earlier anticipatory bail petition(s) filed by the petitioner before the Court below have been dismissed on account of non-joining of investigation. In the considered opinion of this Court, once an interim protection has been granted by the competent Court, it was incumbent upon the petitioner to join the investigation and cooperate therein. Moreover, the offence(s) alleged are serious which involve attack on public servants while performing election duty. The weapon allegedly used by the petitioner has not yet been recovered and the investigating agency has sought the custodial interrogation of the petitioner for effective recovery, verification of facts and to establish the broader conspiracy, if any, behind the occurrence. No cause *may* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR. It goes without saying that in the instant case, the petitioner was a part



of the unlawful assembly armed with deadly weapons and caused damage to government property and assaulted the security personnel.

8. 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 is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma*** [***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***], the Supreme Court held as under : (SCC p. 189, para 6)

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

9. In view of the gravity of the allegations, the specific role attributed to the petitioner during investigation, the manner of occurrence, the pending recovery of the weapon and the necessity of custodial interrogation for a fair and thorough investigation, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner may be necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby dismissed.
10. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
11. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

May 18, 2026
Ajay

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