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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-25924-2026**

Jaffarjeet Singh and another

....Petitioners

Versus

State of Punjab

....Respondent

Date of Decision: May 07, 2026**Date of Uploading: May 07, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Mr. Amarpreet Singh, Advocate for the petitioners.

Mr. Adhiraj Singh, AAG, Punjab.

Ms. Navjot Kaur, Advocate for the complainant.

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 petitioners in case bearing FIR No.92 dated 13.04.2026 registered under Sections 126(2), 140(3), 125, 303(2), 351(1) and 324(4) of BNS, 2023 and Sections 25 and 27 of the Arms Act, at Police Station Baghapurana, District Moga.

2. The gravamen of the FIR in question reflects that it has been registered on the basis of a complaint filed by the complainant—Charanpreet Kaur, who in her complaint has stated that her marriage was solemnized with co-accused Daljit Singh in the year 2015 and out of the said wedlock two children were born. The complainant has alleged that owing to matrimonial discord and harassment at the hands of her husband and in-laws, she started residing separately with her parents alongwith the minor

children and that proceedings pertaining to divorce and complaints regarding threats and harassment were already pending between the parties. The complainant has further alleged that on 13.04.2026, while she alongwith her father and the two minor children was returning from Akal Academy, Kaleke in their car, the petitioners (herein) alongwith her husband and other accused persons intercepted their vehicle near village Gholia Kalan by blocking their way through vehicles stationed ahead and behind their car. The complainant has stated that the accused persons also struck their vehicle, thereby causing damage thereto. The complainant has further alleged that her husband was armed with a revolver, whereas the present petitioners and other co-accused were carrying weapons including a baseball bat. The complainant has further alleged that the accused persons forcibly pulled her out of the vehicle, threatened her and her father with dire consequences and fired shots in the air. The complainant has also alleged that the accused persons forcibly took away both the minor children with them and further snatched her purse containing cash amounting to ₹5,000/-, Aadhaar card and other important documents. Upon these set of allegations, instant FIR was registered against the petitioners.

3. Learned counsel for the petitioner submits that the petitioners are innocent persons and have been falsely implicated in the present case merely on account of their friendly relations with the husband of the complainant. He has further argued that at the time of occurrence, the petitioners were merely accompanying the husband of the complainant and they had not actively participated in the alleged offence. He further contends that the dispute essentially arises out of matrimonial discord between the complainant and her husband regarding custody of the children. It has

further been argued that no injury has been attributed to the petitioners and no recovery is to be effected from them. Reliance has also been placed upon the pendency of matrimonial proceedings between the complainant and her husband. Learned counsel asserts that in the instant case, the FIR fails to include material facts, which further raised questions about its credibility and fairness. Moreover, the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Furthermore, the petitioners are ready to join the investigation and hence no useful purpose would be served by sending them behind the bars. It is lastly submitted by the learned counsel that the present petition be allowed and the petitioners be granted the concession of the anticipatory bail.

4. *Per contra*, learned State counsel (assisted by learned counsel for the complainant) has vehemently opposed the grant of anticipatory bail to the petitioners, contending that the allegations levelled against them are grave and serious in nature. Learned State counsel has further contended that the petitioners, in connivance with the main accused-Daljit Singh, who is the husband of the FIR-complainant, actively participated in forcibly taking away the minor children by threatening the complainant and her father with weapons and by resorting to firing. The investigation qua the FIR in question is still ongoing. He has further submitted that custodial interrogation of the petitioners is necessary for recovery of the weapons used in the crime, the vehicles involved and for effective investigation of the occurrence. According to learned State counsel, in case the petitioners are granted the concession of pre-arrest, at this stage, it may impede the ongoing investigation.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the allegations set forth in the FIR, serious charges have undeniably been levelled against the present petitioners. As per the FIR, the petitioners actively participated in the occurrence wherein the complainant and her father were allegedly wrongfully restrained and the minor children were forcibly taken away while the accused persons were armed with weapons. The allegations also include use of criminal force, firing in the air and extending threats to the complainant-side. The manner in which the alleged occurrence was carried out *prima facie* indicates prior planning, motive and participation of all the accused persons. Therefore, the contention raised by learned counsel for the petitioners that they were merely accompanying the husband of the complainant and had no active role, cannot be accepted, at this stage. As per submissions made by learned State counsel, the investigation is still at a preliminary stage, and custodial interrogation of the present petitioners is necessary to unravel the truth.

No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioners have been falsely implicated into the present FIR.

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 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 petitioners. The material which has come on record and preliminary investigation, appears establish a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioners, as it would necessarily cause impediment in effective investigation. In **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-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 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.”

8. In view of the gravity of the allegations and nature of offence, since the necessity of custodial interrogation would arise for a fair and thorough investigation, this Court is of the considered opinion that the petitioners do not deserve the concession of anticipatory bail in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioners is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby dismissed.

9. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

May 07, 2026
Naveen

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No