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

**CRM-M-28387-2026
Date of decision: 19.05.2026**

Anshdeep Singh @ Anshpreet Singh**....Petitioner**

versus

State of Punjab**..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ*********

Present :- Mr. Aditya Sharma, Advocate
for the petitioner.

*********RAJESH BHARDWAJ, J.**

1. Petitioner has approached this Court praying for grant of anticipatory bail to him in case FIR No.0092 dated 26.04.2026, under Sections 304, 191(3) and 190 of the BNS (Section 317(2) of the BNS added later on), registered at Police Station Dharamkot, District Moga.
2. Succinctly facts of the case are that the FIR has been lodged on the statement of Gulshan Kumar son of Krishan Kumar. It was alleged that he is driver of vehicle bearing registration no.PB-03-BB-6456 belonging to Jasvir Singh S/o Beant Singh. It was alleged that on 26.04.2026, he was going from Moga to Dera Baba Beas to attend the congregation (sangat). At about 10:00 AM when they were little behind village Dholewala then a man was being beaten up near the drug de-addiction center. When he slowed down the vehicle, those 5 men suddenly entered his vehicle and put the *kirch* on his neck and asked him to take the vehicle as per their direction. They took the vehicle near to village



Daulewala and parked it on the embankment of the river and forcibly snatched his mobile phone having sim no.87288-09884 and purse containing Rs.2500/-. It was further alleged that after throwing him out of the vehicle, they also took away the same along with them. On inquiry about those persons, he came to know their names as Gurjit Singh armed with *kirch*, Gagandeep Singh, Dharamkot, Anshdeep Singh (petitioner), Laddi and Jagsir Singh. Request was made to take legal action against the accused persons. Thus, the FIR was registered and investigation commenced. Apprehending arrest, petitioner approached the Court of learned Sessions Judge, Moga praying for grant of anticipatory bail. However, after hearing counsel for both the sides, the same was declined vide order dated 02.05.2026. Hence, being aggrieved, petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He has submitted that although the petitioner has been named in the FIR, no specific role has been attributed to him in the alleged occurrence. He has submitted that neither the petitioner was apprehended on the spot nor any incriminating article has been recovered from him. He has submitted that the alleged vehicle and *kirch* have already been recovered from co-accused namely, Gagandeep Singh, Gurjit Singh and Jagsir Singh, who have already been arrested by the police. He thus, has submitted that in the facts and circumstances of the case, no *prima facie* case as alleged is made out against the petitioner and hence, he deserves to be granted anticipatory bail.

4. Notice of motion.



5. Mr. Ekompal Sagoo, AAG, Punjab accepts notice on behalf of the State.

6. Learned State counsel has however, vehemently opposed the submissions raised by counsel for the petitioner. He has submitted that the offence alleged in the present case is serious in nature. He has submitted that as per the FIR, when the complainant was going from Moga to Dera Baba Beas to attend the congregation and slowed down the vehicle near the de-addiction centre, where five persons were allegedly beating a man and thereafter, entered the vehicle, one of whom has been stated to be the present petitioner, which prima facie indicates his involvement in the occurrence. He has submitted that the petitioner along with co-accused had snatched mobile phone, purse containing Rs.2500/- and vehicle from the complainant by putting a *kirch* on his neck. Though recovery of vehicle and *kirch* has been effected, the recovery of remaining snatched articles and mobile phone is yet to be effected. Thus, the petitioner does not deserve the concession of anticipatory bail.

7. After hearing counsel for the parties and perusing the record, it is deciphered that the allegations against the petitioner are serious in nature. Petitioner along with co-accused had snatched the mobile phone, purse containing currency of Rs.2500/- and vehicle from the complainant by putting a *kirch* on his neck. Co-accused of the petitioner, namely, Gagandeep Singh, Gurjit Singh and Jagsir Singh have already been arrested. The recovery of other snatched articles and mobile is yet to be effected. Thus, granting anticipatory bail to the petitioner would scuttle the ongoing investigation.



8. For the consideration of anticipatory bail, the statutory parameters are given under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 which reads as under:-

“Direction for grant of bail to person apprehending arrest:-

Where any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.

When the High Court or the Court of Sessions makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of Section 480, as if the bail were granted under that Section.

9. As per law settled by the Hon'ble Supreme Court, in **Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632**, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the



society would also prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

31. In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the



present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail.

10. The Hon'ble Supreme Court in **State Vs. Anil Sharma, (1997) 7SCC 187**, held as under:-

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



11. Weighing the facts and circumstances of the present case on the anvil of law settled and the gravity of allegations and the role attributed to the petitioner, this Court is of the opinion that the custodial interrogation of the petitioner is very much essential to bring the truth on record and as such, petitioner does not qualify for exercising the extraordinary powers by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

19.05.2026
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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