



CRM-M-61886 of 2025

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

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Date of Decision: 11.02.2026

Gurdiyal Singh @ Diyal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Harsimran Singh Sidhu, Advocate, for
Mr. Kuldip Singh, Advocate
for the petitioner.

Mr. Amritpal Singh, DAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.76 dated 31.08.2025 registered under Sections 108, 190, 191(3) and 351(3) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Amir Khas, District Fazilka.

2. Brief facts of the present case are that the petitioner along with other co-accused, armed with deadly weapons, entered into the house of the complainant and threatened her son-Jagmeet Singh, due to which he committed suicide.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with

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the suicide of the deceased Jagmeet Singh. He further contends that the petitioner was neither present at the place of occurrence, nor he has instigated the deceased to commit suicide. He argued that the alleged occurrence took place on 29.08.2025 but the FIR in question was registered on 31.08.2025 i.e. after an unexplained delay of 02 days, casting serious doubt on the prosecution story. He further argued that in fact, the complainant and her family were in financial constraints and thus, her son-Jagmeet Singh (deceased) has committed suicide. He argued that even otherwise, the allegations as entailed in the FIR do not satisfy the ingredients of Section 108 of BNS. Moreover, the petitioner has clean antecedents as he is not involved in any other case and nothing is to be recovered from him. Learned counsel has further submitted that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Fazilka, vide order dated 30.09.2025.

5. On the other hand, learned State counsel has already filed the status report in the matter and while referring to the same, he has opposed the prayer for grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature and he has actively participated in the crime. He argued that the petitioner was one of the assailants who had attacked the complainant party and threatened the

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deceased of dire consequences due to which, the deceased committed suicide. He further submits that the custodial interrogation of the petitioner is required for fair and proper investigation in the matter and for effecting the arrest of other co-accused. Hence, he prays for dismissal of the petition.

6. Heard.

7. In the present case, the petitioner is specifically named in the FIR and the allegations against him are specific and serious in nature. The petitioner along with other co-accused, armed with deadly weapons, entered into the house of the complainant and threatened her son, due to which he committed suicide and as such, prima facie offence under Section 108 of BNS is made out against the petitioner. This Court is sanguine of the fact that it is required to consider the overall nature of offence and accusation against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection, at this stage. Granting anticipatory bail with such allegations, at this preliminary stage, would not be justified as it may affect the course of fair investigation and undermine the seriousness of the alleged act. Considering the gravity of the allegations, the custodial interrogation of the petitioner is necessary for effective investigation in the matter.

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 would be apposite



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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."

9. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Thus, the present petition being devoid of merits is hereby dismissed.

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

(RUPINDERJIT CHAHAL)
JUDGE

11.02.2026
D.Bansal

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