

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

2026.PHHC.015524



103

CRM-M-64717-2025

Resham Singh

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

Decided on : 03.02.2026

Date of uploading: 03.02.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. PKS Phoolka, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

None 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 petitioner in case bearing FIR
No.61 dated 07.07.2025, registered for the offences punishable under
Sections 118(1), 115(2) of BNS 2023, at Police Station Rampura, District
Bathinda.

2. The gravamen of the FIR in question reflects that the present
FIR was registered at the instance of the complainant-Navjot Kaur that on
03.07.2025 at about 9:30 a.m., the petitioner (herein) came to the house of
the complainant in an intoxicated condition and was holding a brick in his

hand. Immediately upon arrival, he struck the complainant on the left side of

her head with the brick. The complainant in her complaint made to the police had alleged that the petitioner kicked her in the stomach and then picked up a *danda* and inflicted a blow on her back. As a result, the complainant fell to the ground, whereupon the petitioner again assaulted her by giving a *danda* blow on her right leg. The complainant had further alleged that thereafter the petitioner picked up a glass bottle lying in the house and attempted to strike her on the head. In order to save herself, the complainant raised her left arm, due to which the glass bottle hit her arm. Even thereafter, he kicked her on the chest. The complainant raised alarm by shouting “*marta marta*,” on hearing which the accused threw away the weapons and fled from the spot. Thereafter, the father of the complainant, who resides with her, reached the spot and arranged a vehicle to take her to Civil Hospital, Rampura, where she was medically examined and treated. The complainant had alleged that the motive behind the occurrence is that the petitioner, who is her husband, used to suspect her character and restrain her from going outside the house. Upon these set of allegations, the present FIR came to be registered against the petitioner.

3. Learned counsel for the petitioner submits that the petitioner is an innocent person and has been falsely implicated in the present case at the behest of the complainant, who is none other than his wife. Learned counsel further submits that there is an inordinate and unexplained delay of four days in the lodging of the FIR. It is further contended that the complainant is allegedly involved in an extra-marital relationship and that the petitioner has been forcibly ousted from the house, whereas the complainant is residing there along with the minor daughters. Learned counsel further asserts that the injuries have been fabricated by the complainant merely to create

pressure upon the petitioner and to extort money from him. It is also submitted that the FIR does not disclose material and essential facts, thereby casting serious doubt on its credibility and fairness. It is further argued that custodial interrogation should not be resorted to as a punitive measure and is warranted only when absolutely necessary for the recovery of material evidence, which is not the case herein. Moreover, the petitioner is ready and willing to join the investigation and cooperate with the investigating agency, and therefore no useful purpose would be served by sending him to judicial custody. Lastly, learned counsel prays that the present petition be allowed and the petitioner be granted the concession of anticipatory bail.

4. *Per contra*, learned State Counsel, has vehemently opposed the grant of anticipatory bail to the petitioner, while raising arguments in tandem with the reply dated 27.01.2026, relevant whereof reads thus:

“5. That the petitioner Resham Singh was armed with brick and glass bottle and he gave the blow of the brick and glass bottle on the complainant. The complainant received 6 injuries. Injury no 1 and 5 are sharp in nature and injury no 2,3,4 and 6 are blunt in nature.

Role of the petitioner

6. That the allegations leveled against the petitioner are that the petitioner in the state of intoxication caused injuries on the person of his wife. He hit the head of the complainant with a brick and after that the petitioner caused other injuries to his wife.”

Learned State Counsel further submits that there are specific and categorical allegations against the petitioner to the effect he gave a brick blow on the head of the complainant. It is further argued that the injuries sustained by the complainant have been declared to be grievous in nature. The investigation qua the FIR in question is still ongoing and recovery of alleged weapon is to be effected from the petitioner. Learned State counsel

has iterated that the custodial interrogation of the petitioner is imperative for

the purpose of effective and fair investigation and to unearth the case of the prosecution. 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.

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 enroled 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 allegations put forth in the FIR, serious allegations have undeniably been levelled against the present petitioner. The FIR has been registered against the petitioner on the basis of specific and categorical allegations, wherein the complainant has alleged that the petitioner was armed with brick and gave injuries to her. The allegations against the petitioner are of causing injury on the head of the complainant by giving a brick blow. It is also pertinent to mention that the complainant is the wife of the petitioner and there is a matrimonial dispute between them. Moreover, as per the reply filed by the State, the injuries sustained by the complainant have been declared to be grievous in nature. The contention regarding the alleged delay of 4 days in lodging the FIR also does not merit acceptance, as mere delay in registration of the FIR does not entitle the petitioner to the

concession of anticipatory bail, particularly in view of the specific allegations and attributed role. As per submissions made by learned State counsel, the investigation is still at a preliminary stage, and custodial interrogation of the present petitioner is necessary to unravel the truth. The learned counsel for the petitioner has failed to demonstrate that the case registered against him is false.

No cause *nay* 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.

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, (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.”

9. 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 petitioner does not deserve the concession of anticipatory bail in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is 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

February 03, 2026
Naveen

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