

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

2026.PHHC.013701



101

CRM-M-66683-2025

Lovepreet Singh @ Shikari

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

Decided on : 30.01.2026

Date of uploading: 30.01.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Shakti Mehta, Advocate for the petitioner.

Mr. Adhiraj Singh, 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.0141 dated 21.07.2025, registered for the offences punishable under Sections 126 (2), 115(2), 118(1), 351(2), 191(3), 190 of BNS 2023, at Police Station Civil Lines Patiala, District Patiala.

2. The gravamen of the FIR in question reflects that the present FIR was registered at the instance of the complainant-Gursewak Singh resident of village Jahla, District Patiala, who in his statement made to the police has stated that on 18.07.2025, after serving food and attending to the uncle of his friend Prince at Rajindra Hospital, Patiala, he boarded a private

bus from Samana Chungi to go towards his village. When the bus reached near Rajindra Hospital Medical College at about 2:00 PM, some unknown persons came in front of the bus and forcibly stopped it. One of them called out his name and said, “Kalu, get down from the bus,” and thereafter forcibly made him alight from the bus. He stated that among the assailants, he recognized the present petitioner and Chamkaur, resident of village Saiwal; Bhatti and his brother Raju, residents of village Tauhra, who surrounded him. He further stated that the petitioner (herein) gave a kirpan blow on his head, causing an injury on the right side of his head. Chamkaur also inflicted a kirpan blow, and when he raised his right arm to save himself, the blow struck two fingers of his right hand. He further stated that thereafter Raju, who was also armed with a kirpan, repeatedly attacked him on his head, and when he tried to defend himself with his left hand, the fingers of his left hand were also grievously cut by the kirpan. He stated that due to the injuries, he fell on the ground. He further stated that along with the aforesaid persons, two or three other unknown persons also assaulted him by giving kicks and fist blows and by striking him with sticks, as a result of which he sustained serious injuries. He has further alleged that the motive behind the assault is previous enmity, as earlier in the year 2024, a quarrel had taken place between them near the Old Bus Stand, Patiala. On account of the said grudge, the above-named accused attacked him and caused the present injuries. He further stated that he was admitted to the hospital for treatment by one Gogi, resident of neighbouring village Barsat. Upon these set of allegations, the present FIR came to be registered against the accused persons.

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 having previous grudge with the petitioner. Learned counsel appearing for the petitioner further submits that there is an inordinate delay of 3 days in lodging of the FIR. It is further submitted that the similarly situated co-accused, namely Chamkaur Singh, has already been granted the concession of anticipatory bail and on this ground of parity as well, the petitioner is entitled to the grant of anticipatory bail. 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 petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. It is lastly submitted by the learned counsel that the present petition be allowed and the petitioner be granted the concession of the 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 status report dated 28.01.2026, relevant whereof reads thus:

“18. That the petitioner Lovepreet Singh @ Shikari has played an active and primary role in the commission of the offence as per the statement of complainant Gursewak Singh. The complainant has specifically named the petitioner and has categorically stated that the petitioner gave a blow of kirpan on his head causing injury on the right side of his head. The complainant has further stated that the reason of enmity is that earlier also in the year 2024 they had a quarrel regarding some issue near Old Bus Stand Patiala and due to that the petitioner alongwith other accused attacked him and

caused injuries. The petitioner alongwith co-accused Chamkaur Singh, Bhatti, Raju and 2/3 unknown persons surrounded the complainant after stopping the bus near Rajindra Hospital Medical College and forcibly made him get down from the bus. The petitioner and other accused persons inflicted grievous injuries on the complainant with kirpans and also gave kicks, fist blows and beat him with sticks due to which the complainant became seriously injured. The complainant sustained total seven injuries including fractures in the fingers of both hands which are grievous in nature as per the Medico Legal Report. The petitioner has been absconding since the registration of the present FIR and has not joined the investigation which shows his guilty conscience and intention to evade the process of law.”

Learned State Counsel further submits that there are specific and categorical allegations against the petitioner to the effect he gave a *kirpan* blow on the head of the petitioner. 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.

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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 and his co-accused on the basis of specific and categorical allegations, wherein the complainant has alleged that the petitioner, along with his accomplices, was armed with *Kirpan* and gave injuries to the complainant. The allegations against the petitioner are of causing injury on the head of the petitioner by giving a *Kirpan* blow. Moreover, the injuries sustained by the complainant have been declared to be dangerous to life. In view of the specific overt act attributed to the petitioner and the nature of the weapon allegedly used by him, the principle of parity is not attracted. The contention regarding the alleged delay of 3 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*** [***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

January 30, 2026
Naveen

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