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

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CRM-M-67266-2025 (O&M)
Date of decision: 28.01.2026

Sukhdev Raj **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Rajeshwar Singh Thakur, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Prince Sharma, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of anticipatory bail to the petitioner in FIR No. 115 dated 05.09.2024, registered under Sections 103(1), 190, 191(3) of Bharatiya Nyaya Sanhita, 2023 and Sections 25 and 27 of Arms Act, 1959 at Police Station Khalra, District Tarn Taran.
2. Adumbrated facts as emanating from the record are that on 04.09.2024, the complainant Roop Singh was present in his house along with his family members, when accused Rajan Sharma, Sajan Sharma, petitioner Sukhdev Singh and Anju Rani came to his house in a car. Rajan Sharma was carrying a .12 bore gun belonging to Raj Singh Pradhan. All of them insisted Nishan Singh, nephew of the complainant to accompany them for attending a

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function at the house of Gurlal Singh, resident of village Khalra. Nishan Singh was initially reluctant but later on, he agreed and went along with them in their car. On the same night at about 9:40 PM, the complainant received a call from Rajan Sharma to the effect that pellets of .12 bore gun had injured Nishan Singh. On receipt of this information, the complainant along with his family members rushed towards the house of Gurlal Singh and found the victim Nishan Singh to be lying in the courtyard in an injured condition. He was rushed to the hospital but was declared to be brought dead. The complainant alleged that the petitioner along with co-accused Rajan Sharma and Sajan Sharma, with whom the victim Nishan Singh had an altercation about one year back and who had motive to kill the victim, had committed murder of the victim.

3. After registration of the FIR, investigation proceedings were initiated. A secret information was received during the course of investigation to the effect that one Verna car bearing registration number PB-02-CG-1535, which was used by the petitioner and co-accused, was stuck in the bushes near the stadium turn while they were running from the spot after the incident. Co-accused had locked the vehicle and ran away. The said vehicle was taken into custody. Co-accused Rajan Sharma was arrested on 08.09.2024. He suffered disclosure statement to the effect that he along with the present petitioner, i.e. his father, mother and friend Jaswant Singh had hatched a conspiracy to take revenge from victim Nishan Singh, with whom they had a quarrel some time back and on 04.09.2024, the petitioner along with his brother Sajan Sharma and mother Anju Rani and himself had gone to the house of victim Nishan Singh, had taken him along with them to the house of Gurlal Singh and then

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they had fired shots with their firearms as per the plan. He further disclosed that the victim was shot at by them as per the conspiracy hatched. Co-accused Jaswant Singh was arrested subsequently and suffered a similar disclosure statement. Investigation is still underway. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail, which has been dismissed by the Court of learned Additional Sessions Judge, Tarn Taran, vide order dated 03.09.2025.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was neither present in the village nor had attended any function on the day of occurrence. His son and the deceased victim, who were good friends, had gone to celebrate the function of their common friend. The photographs and video recording of the spot of occurrence did not verify his presence at the spot. In fact, the victim was checking the double barrel gun and during the course of the same, the gun had fired accidentally, thereby hitting his chest and causing his death. The petitioner had no hand in the death of the victim. The gun in question does not belong to him. There is delay of more than twelve hours in lodging of the FIR, which was a result of deliberations and concoctions. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. Co-accused Anju Rani has been granted concession of anticipatory bail. On parity, he too deserves to be given the same benefit. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted concession of anticipatory bail.

5. Status report has been filed by the respondent-State. Learned State counsel has argued that there are serious and specific allegations against the

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petitioner. For conducting thorough investigation in the matter, his custodial interrogation is must. No exceptional or extraordinary case has been made out for grant of anticipatory bail to the petitioner. It is, thus, argued that the petition is liable to be dismissed.

6. This Court has heard the rival submissions.

7. The petitioner is alleged to have hatched a conspiracy with the co-accused and to have committed murder of victim Nishan Singh by firing shot at him with a firearm. He was named in the FIR and specific allegations have been levelled against him to the effect that he along with the co-accused had taken the victim along with them to the place of occurrence, where he was shot at by them. In view thereof, for the purpose of conducting thorough investigation in the matter, custodial interrogation of the petitioner is required. The case of the petitioner cannot be stated to be at par with co-accused Anju Rani. In case his custodial interrogation is denied to the investigating agency, the same will leave many glaring loopholes and gaps adversely affecting the investigation. The powers under Section 482 of BNSS are extraordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as inroad in the normal legal procedure of criminal cases by the trial Court. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who

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is well ensconced with a favourable order under Section 482 of BNSS. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

28.01.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No