



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

103

CRM-M-70797-2025

Date of decision: 11.02.2026

Gurpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. R.S. Sangha, Advocate for the petitioner.

Mr. Kamalpreet Bawa, DAG, Punjab.

AARADHNA SAWHNEY, J.(ORAL)

1. Petitioner, an accused in case bearing FIR No.246 dated 21.09.2025 registered against him at Police Station Sohana, District SAS Nagar (Mohali), for the commission of offences punishable u/s 304(2), 127(1) of BNS, has prayed for grant of pre-arrest bail.
2. Relevant facts as emerging from the documents on record be noticed hereinbelow:-

Ajit Singh, son of Tara Singh, r/o House No.969, Phase 1 Mohali, set the criminal law in motion by filing a complaint pointing therein that he is engaged in a private job. On 21.09.2025, he was going on his Activa scooter bearing registration No.PB-65-BC-9077 from Phase 11 to Industrial Area phase 8, Mohali. When he reached little ahead of Gurudwara Singh Shaheeda Sohana Sahib, he noticed that a Swift car was parked on the road side, next to which 3 boys were standing. He was halted by them and was questioned about the location of Punjab Agro. Since he was not aware about the exact location, he expressed his inability to help them. One of the boys then made him talk to some other person over phone, who disclosed that the office is in Sector-66.



Meanwhile, 2 young boys came on the motorcycle. At about 1:50 PM, all of them caught hold of him and despite his stiff resistance snatched the gold bracelet being worn by him. Before he could raise an alarm, 3 boys sped away in the swift car and 2 were in the process of speeding away on the motorcycle, when he was able to catch hold one of them, who disclosed his identification details as Manpreet Singh, son of Balraj Singh, r/o Village Rouli PS Mehna and also pointed out the names and address of his other accomplices.

Petitioner was named by co-accused Manpreet Singh, who was caught at the site. With this backdrop, he requested the police officials to catch hold of all those, who were involved in the incident as also to initiate appropriate proceedings against them.

On the basis of the said complaint, a formal case vide FIR No.246 dated 21.09.2025 u/s 304(2) and 127(1) of BNS, was registered against present petitioner and others. Proceedings were set into motion.

3. Apprehending his arrest, petitioner moved an application for grant of anticipatory bail before the learned Additional Sessions Judge, SAS Nagar. The same was dismissed vide order dated 28.11.2025. Aggrieved of which, the present petition has been filed.

4. Learned counsel for the petitioner contends that petitioner, who was not named in the FIR, has been falsely implicated in the present case. It was only on the basis of disclosure statement of co-accused Manpreet Singh that his name cropped up. The said disclosure statement in the absence of recovery of any other incriminating material is not admissible in evidence. It is further the submission of learned counsel that complainant was not known the present petitioner personally neither the identification details of the accused were mentioned in the complaint, thus purely on unverified disclosure statement of co-accused Manpreet Singh, with whom petitioner



has prior enmity, he (P) has been unnecessarily dragged in.

The next leg of submission raised by learned counsel is that the custodial interrogation of petitioner is not needed as nothing is to be recovered from him, for gold Kara of complainant has already been recovered from co-accused Manpreet Singh, who was arrested at the spot. Nonetheless, being a law-abiding citizen, petitioner is willing to join the investigation as and when called for by the IO. Primarily on these grounds, it was prayed that concession of pre-arrest bail be granted to the petitioner.

5. *Per contra*, while opposing the request for grant of anticipatory bail, learned State counsel contends that petitioner was arrayed as accused in the present case based on the disclosure statement of co-accused Manpreet Singh, who was caught at the site by complainant himself. The plea taken by the petitioner that aforesaid Manpreet Singh was nursing a grudge against him is a last minute effort on his part to wriggle out of the embarrassing position in which he (P) is presently placed. Learned State counsel further contends that such like incidents being on the rise, strict view deserves to be taken as also that custodial interrogation of petitioner is needed to find out the whereabouts of the other accused, who have not been arrested till date, as also to know whether he and others remained involved in any such incident, the *modus operandi* adopted by them. In the light of seriousness and gravity of the allegations levelled by complainant against petitioner, learned State counsel submits that no case for grant of this exceptional remedy of pre-arrest bail is made out. Dismissal of the petition has been prayed for.

6. I have heard the learned counsel for the parties and gone through the documents on record.

7. Before expressing any opinion on the merits of the rival contentions raised by learned counsel for the petitioner, learned counsel for



the complainant and learned State counsel, it would be appropriate to refer to certain relevant judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

Hon'ble the Supreme Court in "**P. Chidambaram vs. Directorate of Enforcement, ((2020) 13 SCC 791)**", has observed as under:-

"67. Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of *the accused but several other purposes. Power under Section 438 Cr.P.C 1973 is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. 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 justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy.*"

Hon'ble the Supreme Court while deciding the case titled as "**Ms. X Vs. The State of Maharashtra and another**", (2023 SCC Online SC 279) held as under:-

"11.1. We propose to take a quick look at the considerations that ought to govern grant of anticipatory bail. There are a line of decisions of this court that have underscored the fact that while deciding an application for bail, the court ought to refrain from undertaking a detailed analysis of the evidence, the focus being on the prima facie issues including consideration of some reasonable grounds that would go to show if the accused has committed the offence or those facts that would reflect on the seriousness of the offence. The self-imposed restraint on delving deep into the analysis of the evidence at that stage is for valid reasons, namely, to prevent any prejudice to the case set up by the prosecution or the defence likely to be taken by the accused and to keep all aspects of the matter open till the trial is concluded.



12. In *Prasanta Kumar Sarkar's case (supra)* (*Prasanta Kumar Sarkar Vs. Ashish Chatterjee and another*), a Division Bench of this Court had highlighted the factors that ought to be borne in mind while considering the anticipatory bail application and had stated that :-

"9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;
- (ii) nature and gravity of the accusation;
- (iii) severity of the punishment in the event of conviction;
- (iv) danger of the accused absconding or fleeing, if released on bail;
- (v) character, behaviour, means, position and standing of the accused;
- (vi) likelihood of the offence being repeated;
- (vii) reasonable apprehension of the witnesses being influenced; and
- (viii) danger, of course, of justice being thwarted by grant of bail."

In *Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav vs. The State of Maharashtra and another*, 2025 AIR SC 3375, the Hon'ble Supreme Court held that "Anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner."

8. Factual aspects leading to the lodging of the FIR have already been noted in para 2 of the order. Agreeing with the submissions advanced by learned State counsel, this Court is of the opinion that the presence of the petitioner is needed for custodial interrogation to find out the whereabouts of the other accused, who have not been arrested till date, as also to know how many such like incidents have been committed, who all are involved, what is their *modus operandi* etc. Thus, in the opinion of Court, Petitioner has failed to make out a case of exceptional depravity/hardship in his favour, entitling



him for the grant of this extra ordinary relief of pre-arrest bail.

9. The petition being devoid of merit, is hereby dismissed.

(AARADHNA SAWHNEY)
JUDGE

11.02.2026

Hemant

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