



CRM-M-72561 of 2025

-1-

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

345

CRM-M-72561 of 2025

Date of Decision: 28.01.2026

Lovejeet Singh alias Love

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Vipin Kumar Sharma, Advocate
for the petitioner.

Ms. Aiman J. Chishti, AAG, 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.22 dated 02.04.2025 registered under Sections 305 and 331(4) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Qila Lal Singh, Batala, District Gurdaspur.

2. Brief facts as per the prosecution case are that some unknown persons had broke open the shutter of complainant's shop and committed theft of gold and silver ornaments, along with cash amounting to Rs.1,20,000/-. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and initially the FIR was registered against unknown persons. He argued that the petitioner was

**CRM-M-72561 of 2025****-2-**

neither named in the FIR nor has any concern with the alleged crime. It has also been contended that during investigation, co-accused Kamal Masih was arrested and the petitioner has been nominated as an accused only on the basis of the disclosure statement made by the said co-accused. Apart from the disclosure statement, there is no other evidence to connect the petitioner with the offence in question and it is a trite law that disclosure statement of the co-accused during his custodial interrogation has no evidentiary value. No recovery is to be effected from the petitioner. 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, Gurdaspur, vide order dated 04.12.2025.

5. On the other hand, learned State counsel while referring to the short reply has opposed the prayer for grant of anticipatory bail on the ground that the allegations leveled against the petitioner are serious in nature. She argued that the petitioner was specifically named in the disclosure statement of co-accused Kamal Masih. She further argued that the petitioner in connivance with other co-accused had stolen the gold and silver ornaments along with cash amount of Rs.1,20,000/- and as such, he has played an active role in the crime. She further argued that the petitioner along with co-accused has also stolen the CCTV cameras as well as DVR from the shop. She submits that the petitioner is involved in three more cases meaning thereby he

**CRM-M-72561 of 2025****-3-**

is a habitual offender. She further submits that the custodial interrogation of the petitioner is required for fair and proper investigation in the matter and to recover the stolen ornaments and cash. Hence, she prays for dismissal of the petition.

6. Heard.

7. In the present case, there are specific allegations against the petitioner that he had committed theft of gold and silver ornaments along with cash amount of Rs.1,20,000/- by breaking open the shutter of the complainant's shop. He is specifically nominated as an accused in the disclosure statement made by co-accused Kamal Masih, as such, his custodial interrogation is required to uncover the modus operandi and to recover the stolen articles. While considering a plea for anticipatory bail, this Court 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



CRM-M-72561 of 2025

-4-

impact of such alleged iniquities on the society. It would be apposite 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

28.01.2026

D.Bansal

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