

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

109

2026:PHHC:001934



CRM-M-73365-2025

Jaswinder Singh

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

Decided on : 12.01.2026

Date of uploading: 12.01.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sangram Singh Saron, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Addl. AG, Punjab.

Mr. Sukhwinder Singh Dhillon, Advocate 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.131 dated 16.11.2025, registered for the offences punishable under Sections 109, 115(2), 3(5) of BNS 2023 and Section 25 of the Arms Act, 1959, at Police Station Malout, District Sri Muktsar Sahib.

2. The gravamen of the FIR in question reflects that the FIR was lodged on the statement of complainant Ujagar Singh son of Wadhawa Singh, who in his complaint given to the police has stated that he retired from the Cooperative Bank, Malout Branch, in the year 2011. He has three

children—two daughters and one son—all of them are married and are residing in Australia on Permanent Residency visas. The complainant's son namely Arshdeep Singh, arrived in India about 45 days ago. He also frequently travels to Australia. He further stated that he has planted a guava orchard on approximately 5½ killas of my land situated within the revenue limits of village Saunke. A residential structure has also been constructed within the orchard for the stay of the contractor, which is equipped with a single-phase electricity connection. The electricity poles installed by the Electricity Department do not cause any obstruction or inconvenience to any person. The land adjoining to the complainant's land belongs to his brother, Angrej Singh, and the land adjoining his land belongs to Jaswinder Singh son of Lakhveer Singh, resident of village Saunke. The said Jaswinder Singh had, on two occasions, submitted applications against the complainant before the Electricity Department seeking removal of the electricity poles and the electricity connection. An inquiry in this regard was conducted by the XEN, Enforcement Department, Bathinda, and the inquiry report was recorded in favour of the complainant. The complainant has further stated that due to this the said Jaswinder Singh nursed a grudge against him and took the same as a personal insult.

On 16.11.2025, at about 12:45 PM, the complainant alongwith his brother Angrej Singh went to inspect their fields. At that time, Jaswinder Singh along with his uncle Ajit Singh son of Balbir Singh, resident of village Saunke, were standing on the path (*pahi*) near the guava orchard of the complainant. When they reached near them, Jaswinder Singh asked the complainant to uproot the hand-pump installed near the transformer. The complainant replied him that the said hand-pump was installed on

government land. Upon this, Ajit Singh son of Balbir Singh raised a *lalkara* saying, “*They will not learn like this; let us teach him a lesson today.*” Immediately thereafter, Jaswinder Singh took out a revolver from the waistband of his trousers and pointed the same at the complainant. When the complainant alongwith his brother Angrej Singh tried to run away to save themselves, Jaswinder Singh fired a shot from his revolver, which hit the complainant on his right ankle, causing him to fall on the ground. Thereafter, Jaswinder Singh fired another shot upon the complainant with an intention to kill. On hearing their cries of “*marta-marta,*” both Jaswinder Singh and his uncle Ajit Singh fled from the spot along with the revolver. The brother of the complainant Angrej Singh with the assistance of son of the complainant Arshdeep Singh, got the complainant admitted to the Government Hospital, Malout, where he is presently undergoing treatment. On these set of allegations, instant FIR was registered against the petitioner and his co-accused.

3. Learned counsel for the petitioner submits that the petitioner is an innocent person and has been falsely implicated in the present case. He has further contended that there exists a dispute between the petitioner and the complainant side with regard to the installation of a transformer, and that the petitioner had also moved applications/complaints against the complainant side before the Electricity Department. On account of the said dispute, the complainant is stated to be nursing a grudge against the petitioner and has falsely implicated him in the present case. Learned counsel further submits that the alleged incident is stated to have taken place on the *pahi* situated between the agricultural fields of the petitioner and the complainant. He has urged that the petitioner is a resident of Ferozepur City,

whereas the land in question is situated at village Saunke, District Sri Muktsar Sahib, where the alleged occurrence is stated to have taken place, and therefore, the presence of the petitioner at the spot at the relevant time is doubtful. He has further submitted that the petitioner is employed with Axis Bank and is a person of clean antecedents, having no prior criminal record. 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, assisted by learned counsel for the complainant, has vehemently opposed the grant of anticipatory bail to the petitioner by arguing that the allegations against the petitioner are grave and serious in nature. Learned State Counsel submits that the petitioner had fired a shot at the complainant, which hit him on his right ankle, and thereafter fired another shot at the complainant with a clear intention to kill him. 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 set forth in the FIR, serious charges have undeniably been levelled against the present petitioner. The FIR has been registered against the petitioner and his co-accused on the basis of the specific allegations, wherein the complainant had alleged that the petitioner was armed with a fire arm and had fired upon him with an intention to kill him, causing an injury on his right ankle. The allegations against the petitioner are grave and serious in nature. 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 12, 2026
Naveen

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