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2026:PHHC:034621



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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRM-M-324-2026**

Jaswant Singh @ Sonu @ Mota @ Bania

....Petitioner

versus

State of Punjab and another

....Respondents

Date of Decision: March 06, 2026**Date of Uploading: March 07, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Mr. Amit Arora, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Additional AG Punjab.

Mr. Jagjit Singh, Advocate for respondent No.2.

SUMEET GOEL, J. (Oral)

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.139 dated 25.08.2025, registered for the offences punishable under Sections 331, 304, 190 and 191 of the BNS Act, 2023 and Sections 25, 27 of the Arms Act, 1959 (Section 109 of BNS added later on), at Police Station Jhabal, District Tarn Taran.

2. The gravamen of the allegations against the petitioner is that complainant, namely, Kuldeep Singh stated that on 25.08.2025, at about 01:30 AM, wife of the complainant woke him up and informed him that someone had entered the house. Upon hearing this, the complainant got up and went inside the room where he noticed a person opening the almirah and searching through

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it. When he switched on the light, he identified the person as Jaswant Singh @ Sonu @ Mota Bania (*petitioner herein*), who had taken approximately ₹50,000/- from the almirah and was putting the money into his pocket. When the complainant attempted to apprehend him on the spot, the petitioner pushed him and tried to flee. The complainant chased him and managed to catch hold of him in the courtyard of the house. At that moment, the petitioner took out a pistol from his waist and, with the intention to kill, fired a shot directly at the complainant, which struck him on the right side of his stomach. Upon hearing the gunshot, Harman Singh, and Chandeep Singh @ Laddi, along with three other unidentified persons, came out from another room of the house and started assaulting the complainant. Meanwhile, when the complainant's wife and children raised an alarm, all the accused persons scaled the walls of the house and fled from the spot.

3. Learned counsel for the petitioner has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioner are concocted, improbable and devoid of any merit. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question on account of some misunderstanding between the parties. Learned counsel has further iterated that with the intervention of the respectable persons, the matter stands compromised between the parties and even a written compromise dated 20.12.2025 (Annexure P-2) has been effected between them.

3.1. Learned counsel has submitted that vide order dated 12.01.2026, the petitioner has also been accorded concession of interim bail by this Court.

Learned counsel has, however, submitted that the petitioner had preferred a petition seeking quashing of the FIR in question, but the same was

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dismissed as withdrawn, vide order dated 13.01.2026 passed in CRM-M-478-2026.

3.2. Learned counsel has asserted that the police have not conducted a fair and impartial investigation and the inquiry conducted so far is not only incomplete, but also tainted with bias. Learned counsel has further asserted that nothing is to be recovered from the petitioner(s). 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. On the aforesaid submissions, the grant of anticipatory bail is entreated for.

4. On the other hand, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner(s) is grave and serious in nature. Learned State counsel has iterated that there are specific and direct allegations against the petitioner. Learned State counsel has also argued that despite grant of interim protection and direction to join investigation, vide order dated 12.01.2026, the petitioner has chosen not to join investigation and cooperate therein. On these submissions, dismissal of the present petition is entreated for.

4.1. Learned counsel for respondent No.2-complainant has, however, conceded the factum of compromise having been effected between the parties.

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 passed by the Hon'ble Supreme Court in the case titled as *Sumitha Pradeep vs. Arun Kumar C.K. and another, 2022(4) RCR (Criminal) 977*, relevant whereof reads as under:

“12. In a case containing such serious allegations, the High Court ought not to have exercised its jurisdiction in granting protection against arrest, as the Investigating Officer deserves freehand to take the investigation to its logical conclusion. It goes without saying that appearance before the Investigating Officer who, has been prevented from subjecting Respondent No.1 to custodial interrogation, can hardly be fruitful to find out the prima facie substance in the allegations, which are of extreme serious in nature.

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16. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

7. As per the case put forth in the FIR in question, the allegations against the petitioner are grave, serious and involve offences of a heinous nature. As per the prosecution case, the petitioner was apprehended by the complainant while committing theft inside the house during the night hours after having removed an amount of approximately `50,000/- from the almirah. When the complainant attempted to catch hold of him, the petitioner not only used criminal force to escape but also took out a pistol from his waist and fired directly at the complainant with the intention to kill him, causing a gunshot injury on the right side of his stomach. The conduct of the petitioner clearly reflects his violent and dangerous nature and shows that he did not hesitate to use a firearm to eliminate the complainant in order to escape from the spot. It is further alleged that upon hearing the gunshot, the co-accused persons came out

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from another room of the house and collectively assaulted the complainant, which demonstrates that the occurrence was not a mere isolated act, but involved multiple accused acting in concert. The nature of accusations, the use of a firearm, and the injury inflicted upon the complainant clearly attract serious penal provisions and require a thorough investigation.

8. The petition in hand deserves to be dismissed even though a compromise is stated to have been effected between the parties given the severity of offence committed by the petitioner. The mere fact that a compromise has been effected between the parties does not automatically entitle the petitioner to the discretionary relief of anticipatory bail, particularly when the allegations disclose the commission of grave offences.

9. Further, despite having been granted concession of interim bail to the petitioner, vide order dated 12.01.2026, he has not joined investigation and cooperated therein. Even, the compromise petition having been preferred by the petitioner seeking quashing of the FIR in question came to be dismissed as withdrawn, vide order dated 13.01.2026, by the co-ordinate Bench of this Court.

10. 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.

11. 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

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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, (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.”

12. In view of the seriousness of the allegations, the role attributed to the petitioner, this Court finds no compelling ground to extend the benefit of discretionary relief to the petitioner. Moreover, considering the gravity of the offence and the manner in which the petitioner attempted to escape after firing at the complainant, there is a strong likelihood that if granted the extraordinary relief of anticipatory bail, the petitioner may influence or intimidate the prosecution witnesses. Granting bail, at this stage, would not only undermine the administration of justice, but may also embolden the accused and pose a threat to the safety and well-being of the victim and other witnesses. The custodial interrogation of the petitioner is necessary for an effective

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investigation & to unravel the truth. The petition(s) are, thus, devoid of merits and are hereby **dismissed**.

13. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
14. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

March 06, 2026

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No