



CRM-M-461-2025

-1-

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

CRM-M-461-2025
Decided on: 10.01.2025

Harjit Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Davinder Pal Soni Jaura, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.88 dated 26.08.2018, registered under Sections 458/380/323/342 IPC (Sections 460 and 201 IPC added lateron), at Police Station Sadar Sangrur, District Sangrur.

2. Succinctly facts of the case are that FIR was lodged on the statement of Sukhdev Singh son of Amar Singh. It was alleged that he was working as Security Guard in SS Open Godown PUNSUP through Dataar Company. On 25.08.2018, he alongwith Bahadur Singh, Chamkaur Singh, Jagdev Singh @ Nanak and Akbar Khan were working as Security Guard and reached on duty at 6:30 p.m. Their duty was till 7:30 a.m. In the intervening night at 1:30 a.m., the complainant heard the dog's barking and hence, he went inside and saw 5-6 persons, who were armed with *dandas* in their hands and they gave beatings to him. Thereafter, they took him near 5 number palanthi, where 4-5 unknown persons standing there already tied Bahadur Singh. Those persons gave beatings to Akbar Khan and tied Chamkaur Singh near the office. All the persons were having muffled faces, and were speaking Punjabi language. They also took the batteries of their



mobile phones with them. They also took 248 bags of wheat each measuring 50 kgs with them in a vehicle from the godown. Thereafter, Jagdev Singh and Bahadar Singh went to the house of Kuldeep Goyal, PUNSUP Inspector and informed him about the incident. The site was inspected. Akbar Khan suffered serious injuries and hence, he was admitted in Civil Hospital, Sangrur. Lateron, he succumbed to the injuries. Request was made to take legal action against the culprits. On the registration of the FIR, the investigation commenced and during the investigation, complicity of the petitioner was established and hence, he was also arrayed as an accused. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Sangur, for the grant of anticipatory bail. Learned Court after hearing both the sides, finding no merit in the petition filed by the petitioner, dismissed the same vide order dated 04.10.2024. Hence, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He submits that the alleged occurrence had taken place in the year 2018 and neither the petitioner is named in this FIR, nor any role has been attributed to him, however, on the basis of suspicion, he has been now named in the FIR and Police is raiding his house. He submits that the petitioner was arrested in FIR No.143 of 2018 and thereafter, his confessional statement was recorded. He submits that the confessional statement in itself is not an admissible evidence. He submits that co-accused Baljit Singh and Sanjay Rishi have already been enlarged on regular bail in



the present case. He, thus, submits that in the overall facts and circumstances, the petitioner deserves to be granted anticipatory bail.

4. After hearing learned counsel for the petitioner and perusing the record, it is deciphered that the alleged occurrence had taken place in the year 2018. As per the allegations, the accused trespassed the godown in the night and thereafter, they attacked the security guards. One of the security guards, namely, Akbar Khan was killed in the occurrence. The petitioner was arrayed as an accused during the investigation. Since the date of the occurrence, the petitioner was required for the investigation. Co-accused Baljit Singh and Sanjay Rishi who had spent more than five years of custody behind the bars, have been granted regular bail by this Court. Thus, the case of the petitioner is not at par with the said co-accused. The gravity of the offence cannot be ignored while considering the prayer made by the petitioner for the grant of anticipatory bail.

5. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

482“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) *a condition that the person shall make himself available for*



interrogation by a police officer as and when required;

- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section."*

6. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he 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 task of disintering offences would not conduct themselves as offenders.”

7. Hon'ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab**, AIR 1980 SC



1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

8. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

9. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

10. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

10.01.2025
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No