



CRM-M-49463-2025 (O&amp;M)

1

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

3

**CRM-M-49463-2025 (O&M)****Reserved on : 08.09.2025****Pronounced on : 10.09.2025**

Balwinder Singh @Billu

..... Petitioner

VERSUS

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH**

Present: Mr. G.S. Ghuman, Advocate and  
Mr. Atul Kumar, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG Punjab.

M. Parminder Singh, Advocate for the complainant.

\*\*\*\*\*

**SURYA PARTAP SINGH, J.**

1. Seeking for the benefit of anticipatory bail, the instant petition has been filed by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred to as 'BNSS'. The present petition has been filed with regard to a case arising out of FIR No.52 dated 10.07.2025 under Sections 109, 115(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023, Police Station Rawalpindi District Kapurthala.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being on the statement dated 10.07.2025 of Manjit Singh. According to above-named complainant, on that day he had visited the house of Baljinder W/o Kulwant Singh along with Paramjit Singh on a

**CRM-M-49463-2025 (O&M)**

2

motorcycle. As per complainant, at about 07:45 pm, when he parked the motorcycle outside the gate of abovementioned house, two unknown persons riding on a motorcycle came from behind, and shot Paramjit Singh twice with the help of revolver and fled from the spot. It was also stated by the complainant that he can identify the assailants if produced before him. As per complainant, with the help of Kulwant Singh S/o Nirmal, he arranged a vehicle and got Paramjit Singh admitted in Civil Hospital, Phagwara, from where he was shifted to Zohal Hospital, Jalandhar.

3. It is the case of the prosecution that on the basis of abovementioned statement, formal FIR in this case was lodged and during the course of investigation evidence was collected, including CCTV footage, and the accused Malak Singh was arrested, who stated that Gurbinder Singh @Bhinda used to call him from mobile No.+447366048176 on his mobile No.+91-7717620732, and that Gurbinder Singh had asked him to make arrangements, and provide help so that Paramjit Singh may be shot. According to above-named accused, he was also assured that all information about Paramjit Singh would be collected through Balwinder Singh @Billu S/o Santokh Singh (petitioner), the brother of above-named caller Gurbinder Singh @Bhinda.

4. The prosecution has further alleged that it was assured by Gurbinder Singh @Bhinda that expenses for the abovementioned act will be borne by him. According to above-named accused, for the execution of abovementioned act, he spoke to Gurjit @Jeeta S/o Joginder, who further talked to Manpreet Singh and they consented to perform the

**CRM-M-49463-2025 (O&M)**

3

abovementioned task. According to accused Malak Singh, he provided a pistol along with 4 cartridges to Gurjit Singh, and that the entire information was collected and provided by Balwinder Singh @Billu and thus, Paramjit Singh was shot.

5. Heard.

6. It has been argued by learned counsel for the petitioner that the petitioner is innocent having no nexus whatsoever with the commission of crime, but he is being falsely implicated in the present case. According to learned counsel for the petitioner, merely on the basis of one CCTV footage, which do not provide any concrete information, it is being projected that at the time of commission of crime, the petitioner was passing through the same street where the incident had taken place.

7. With regard to above, it has been argued by learned counsel for the petitioner that the petitioner is resident of the village, where the incident had taken place, and that in ordinary course of his routine, he passes through the same street, where the incident had taken place. To support his claim with regard to abovementioned contention, learned counsel for the petitioner has also placed a photograph of the spot on record showing that presence of petitioner in the street, where the incident had taken place at the time of occurrence, was natural and by chance. As per learned counsel for the petitioner, on the basis of abovementioned evidence, no criminal liability can be fastened upon the petitioner.



CRM-M-49463-2025 (O&M)

4

8. In addition to above, it has also been argued by learned counsel for the petitioner that the entire prosecution case is based upon the disclosure statement of co-accused, and that any such statement, which was recorded by the Investigating Officer when Malak Singh was in custody, cannot inspire any confidence as the same is inadmissible in evidence. According to learned counsel for the petitioner, a false story is being cooked-up with regard to involvement of petitioner in the commission of crime, and therefore, he needs protection by this Court in the exercise of jurisdiction, vested by virtue of Section 482 of BNSS.

9. The above arguments of learned counsel for the petitioner have been controverted by learned State Counsel being assisted by learned counsel for the complainant. It has been argued on behalf of the respondents that in the present case, the investigation is still at initial stage and the role, played by various persons in the commission of crime is, yet, to be fixed. According to learned State Counsel, there is a CCTV footage depicting that the petitioner had played an active role in reporting the identity of victim to the shooter, and therefore, this claim of the petitioner stands nowhere that he has no nexus whatsoever with the commission of crime.

10. In addition to above, it has also been argued by learned State Counsel, being assisted by learned counsel for the complainant, that in the present case in order to investigate all the facets of the case, including the involvement of petitioner in the commission of crime, his custodial interrogation is required.

11. The record has been perused carefully.



CRM-M-49463-2025 (O&amp;M)

5

12. In the present case, at the very outset, it is pertinent to mention here that the petitioner is seeking extraordinary remedy by claiming the benefit of anticipatory bail. With regard to such relief, the Hon'ble Supreme Court in the case of *Srikant Upadhyay v. State of Bihar 2024 SCC OnLine SC 282*, has observed that power to grant anticipatory bail is extraordinary power, and that irrespective of the fact that in a number of cases, it has been held that bail is a rule, it cannot; by any stretch of imagination, be said that anticipatory bail is a rule.

13. The Hon'ble Supreme Court in the abovementioned case has further observed that rule of anticipatory bail is a question of judicial discretion depending upon the facts and circumstances of each case. According to Hon'ble Apex Court, when called upon to exercise the abovesaid power the Court concerned has to be very cautious, as the grant of interim protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation.

14. Similarly, in the case of *Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. The State of Maharashtra and Another (Special Leave Petition (Criminal) No. 10255 of 2024, decided on 21.07.2024)*, the Hon'ble Supreme Court of India has held that anticipatory bail is an exceptional remedy and it ought not be granted in a routine manner. As per the Hon'ble Supreme Court, there must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offence.



15. Similarly, in the case of *Gurbaksh Singh Sibba etc. v. State of Punjab 1980 SCC (2) 565*, the Hon'ble Supreme Court of India held that:-

- (1) The power under Section 438, Criminal Procedure Code, is of an extraordinary character and must be exercised sparingly in exceptional cases only.
- (2) In addition to the limitations mentioned in Section 437, the petitioner must make out a special case for the exercise of the power to grant anticipatory bail.
- (3) Where a legitimate case for the remand of the offender to the police custody under Section 167(2) can be made out by the investigating agency or a reasonable claim to secure incriminating material from information likely to be received from the offender under Section 27 of the Evidence Act can be made out, the power under Section 438 should not be exercised.

16 As far as the facts of the present case are concerned, there is no denial of the fact that the petitioner is resident of the same village, where the incident took place. It is also an admitted fact that at the time of incident of shooting, before and after, the petitioner was present in the street/locality and the movement of petitioner was duly recorded in CCTV footage.

17. Here it shall not be out of place to mention that the first application for anticipatory bail was moved by the petitioner before the learned Additional Sessions Judge, Kapurthala and the learned Additional Sessions Judge, Kapurthala examined the CCTV footage and observed that the presence of petitioner near the spot of incident at the time of incident was not natural. In view of abovementioned observations, learned Additional



CRM-M-49463-2025 (O&M)

7

Sessions Judge, Kapurthala arrived at a conclusion that the petitioner was not entitled for the benefit of anticipatory bail. The abovementioned application has been dismissed accordingly.

18. The CCTV footage contained in a pen drive has been placed on record by learned State Counsel and the examination of contents of abovementioned CCTV footage containing videos and photographs, generates a strong impression that the presence of petitioner near the spot on his two wheeler was not a natural activity, in ordinary course. Rather the repeated visits of the spot by the petitioner on his two wheeler just before the incidence and thereafter, supports the claim of the prosecution that there is a chance of very strong link between the commission of offence and the presence of petitioner on the spot.

19. Taking into consideration the abovementioned facts and circumstances of the case, vis-à-vis the fact that the remedy of anticipatory bail is an extraordinary, it is hereby held that in the given fact situation, if the valuable right of custodial interrogation available to the investigating agency is denied, it will not only hamper the investigation, but may lead to a situation wherein the investigating agency will preclude from collecting crucial and relevant evidence.

20. In the given fact situation, to elucidate the role of petitioner in the commission of crime, his custodial interrogating is of utmost importance and the same is required by the police. Therefore, it is hereby held that the petitioner is not entitled for the benefit of anticipatory bail.



**CRM-M-49463-2025 (O&M)**

8

21. In view of above, being devoid of merits, the present petition is hereby dismissed.

22. Pending miscellaneous application(s), if any, shall also stand disposed of.

**(SURYA PARTAP SINGH)  
JUDGE**

**SEPTEMBER 10, 2025**

*Gaurav Thakur*

Whether speaking / reasoned  
Whether Reportable

Yes/No  
Yes/No