

2025:PHHC:096759



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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-40882-2025  
DECIDED ON: 31.07.2025

MANINDER SINGH @ MONU

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. T.S. Dhillon, Advocate  
for the petitioner

Mr. TPS Walia, AAG Punjab

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The jurisdiction of this Court has been invoked under Section 482 of BNSS, 2023 for Anticipatory bail in FIR No. 69 Dated: 12.05.2022 Under section 302,34 of IPC, 1860 and section 25,54,59 of Arms Act, 1959 registered at Police Station City-1 Sangrur District Sangrur (Annexure P-1).

2. Facts

*Statement of Mandeep Kumar son of Suraj Bhajn, resident of Ghumiar Basti near Barnala Railway Crossing, Sangrur aged about 28 years, Mobile No. 76960-14770. I would like to state that I am resident of abvoe noted addrss and I am 10+2 passed and doing the work of Photography. We are two brothers, am elder and younger to me is Kamaldeep Kumar @ Kamal. My brother Kamaldeep Kumar was working as labourer. The house of Husanpal Singh @ Goldi son*

*of Barkha Ram is situated on the backside of our house and the roofs of both the houses are attached to each other. Yesterday on 11.05.2022 at around 11.30 PM, my brother Kamaldeep Kumar @ Kamal went to the roof of our house and did not come till long time. At around 12.45 AM, I also climbed on the roof of my house through wooden ladder, the street light of railway line was switched on and the roof of the house of Husanpal Singh@ Goldi was clearly visible in the light of street light. I saw in the street light that Maninder Singh @ Monu and another unknown youngman have caught hold the arms of my brother Kamaldeep Kumar @ Kamal on the roof of Husanpal Singh@ Goldi and one unknown has kept the cloth on mouth of my brother and closed his mouth and they all were telling to my brother that you are making hindrance in compromise regarding our quarrel occurred in Killa Market, today we will finish you then Husanpal Singh @ Goldi has made fire with his pistol or revolver on the forehead near left side hear of my brother Kamaldeep Kumar @ Kamal, due to which my brother fallen on the roof. I raised noise "Marta Marta" then all the above said persons ran away from the spot along with their respective weapons. ON hearing my noise, my father Suraj Bhan also came at the spot, we arranged the vehicle and took my brother Kamaldeep Kumar @ Kamal to Civil Hospital Sangrur, where the doctors have declared him as dead. The motive behind the incident is that Husanpal Singh @ Goldi was quarreled to someone on the day of Diwali at Killa Market, Sangrur and they were having doubt that my brother Kamaldeep Kumar @ Kamal is making hindrance in compromise of said matter. Due to which, Husanpal Singh@ Goldi, Maninder Singh@ Monu and their two unknown associates have committed the murder of my brother Kamaldeep Kumar @ Kamal. Legal action be taken against them. I have got my statement recorded to you, heard, same is correct. Sd/ Mandeep Kumar, attested by Sd/- Sukhwinder Singh SI, Station House Officer, Police Station City-1 Sangrur dated 12.05.2025."*

**2**            **Contention****On behalf of the petitioner**

Learned counsel for the petitioner submits that during the course of investigation, the petitioner was found not to be involved in the alleged offence and was accordingly declared innocent. It is further submitted that the challan was not initially presented against the petitioner; however, the prosecution later erroneously implicated him as an accused. Counsel asserts that at the time of the alleged incident, the petitioner was at home, asleep with his mother, Paramjit Kaur. Upon hearing a commotion raised by the neighbours, the petitioner, along with others, assisted in moving the deceased to the Civil Hospital and made every possible effort to ensure timely medical treatment.

Notice of motion.

**On behalf of State/respondent**

Mr. TPS Walia, AAG Punjab, accepts notice on behalf of respondent-State and vehemently opposes the prayer made in the instant petition on the ground that the petitioner has been specifically named in the FIR, wherein it is alleged that during the intervening night of 11/12.05.2022, the accused alongwith Husanpal Singh @ Goldi committed the murder of Kamaldeep Kumar @ Kamal. During the course of prosecution evidence, an application under Section 319 Cr.P.C. was moved by the prosecution seeking summoning of the petitioner, Maninder Singh, as an additional accused, which was allowed vide order dated 06.06.2025. Since the petitioner has actively involved in the commissioning of the serious offence, therefore, he does not deserve the concession of anticipatory bail.

**4.**            **Analysis**

In the present case, it is evident that the petitioner, Maninder Singh, has been specifically named by the complainant in his initial statement recorded

under Section 161 Cr.P.C. (Ex.P1) as well as in his examination-in-chief before the trial Court as having actively participated in the commission of the offence by catching hold of the arms of the deceased, thereby facilitating the act of murder committed by co-accused Husanpal Singh @ Goldy. The allegations against the petitioner are serious in nature and prima facie disclose his involvement in the commission of the offence punishable under Section 302 IPC read with Section 34 IPC and Section 25 of the Arms Act.

Moreover, the petitioner has been summoned by the learned Trial Court under Section 319 Cr.P.C. on the basis of cogent and reliable evidence that has emerged during the trial. Granting anticipatory bail to the petitioner at this stage would amount to pre-empting the trial Court's power under the said provision and may adversely affect the course of justice.

Also this Court would opine that in everyday terms, the principle of law dictates that bail is the general rule, while jail is the exception. However, this Court acknowledges that the power to grant or deny bail is extraordinary and must be exercised with caution. It is well-established that when considering a bail application (whether pre-arrest or regular bail), the Court must form a *prima facie* opinion as to whether reasonable grounds exist to support the accusation, or if the accusation is frivolous and baseless possibly made with the intention of harming or humiliating the individual, or falsely implicating them in the crime. This evaluation must be conducted in light of the self-imposed restrictions and the broader legal parameters outlined.

The Hon'ble Supreme Court in the case of ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022 Live Law (SC) 870*** held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the

anticipatory bail application is to consider is the prima facie case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

*“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.*

*Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.*

*We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. 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.”*

More so, investigation is still going on in the present case. It is settled proposition of law that power exercisable under Section 482 BNSS, is somewhat extraordinary in character and it is to be exercised in exceptional cases.

The Supreme Court in “State vs. Anil Sharma”; (1997) 7 SCC 187, held as under:-

*“We find force in the submission of the 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 material 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 needs 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.”*

#### 5. Decision

In the light of above, considering the gravity of the allegations and the material on record, this Court does not find it to be a fit case for grant of anticipatory bail. Accordingly, the present petition is dismissed.

However, it is made clear that the observations in this order are only for the purposes of deciding this bail application and the trial Court is free to adjudicate upon the matter in accordance with law.

(SANDEEP MOUDGIL)  
JUDGE

31.07.2025  
Meenu

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