

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

107

2025:PHHC:161950



**CRM-M-65505-2025**

Sajan Singh @ Akash Jha

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

**Decided on : 20.11.2025**

**Date of uploading: 20.11.2025**

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Harkirat Singh Bhogal, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

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**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.192 dated 30.10.2021, registered for the offences punishable under Sections 393, 394, 399, 307 of IPC, Section 25 of the Arms Act, 1959, at Police Station Daresi, District Ludhiana.

2. The gravamen of the FIR in question reflects that on 30.10.2021, SI Davinder Singh, Station House Officer, Police Station Daresi, Ludhiana, along with other police officials, was present in the area of ICICI Chowk on patrolling duty when he received a telephonic call from one Surjit Kumar son of Joginderpal, informing him that one Sunny Sharma son of Paramjit Sharma had been admitted to DMC Hospital, Ludhiana, with a

gunshot injury, who was stated to be the Manager of Muthoot Fincorp Bank Limited, Branch Sunder Nagar, Ludhiana. Upon receiving the said information, SI Davinder Singh proceeded to DMC Hospital with the police party. After obtaining the medical fitness certificate from the doctor concerned, he recorded the statement of said Sunny Sharma, who stated that the Bank Branch operates from 09:30 AM to 06:00 PM and that a private gunman, Surjit Kumar armed with a DBBL 12-bore small butt gun, had been posted at the branch for the last six months. Other employees namely Ritu Thaman, Ginny and Simranjit Kaur were also present at the time of the occurrence. The complainant-Sunny Sharma further stated that after sometime two persons entered the Branch and when questioned by the security guard, they said they wished to mortgage a gold chain for a loan and him. One of them, aged about 30 years, handed over a gold chain for weighing and as the complainant began checking its weight, both individuals suddenly took out their weapons and demanded the key to the locker containing gold. The complainant has further stated that he had refused to give key and, thereafter, one of them struck him on the head with the butt of the weapon. He raised an alarm, then two other persons entered the Bank and one of them fired at him, which hit his right bicep. The complainant had further stated that upon hearing the cries of the staff and the gunshot, the guard Surjit Kumar opened fire from his gun, injuring the assailant who had fired upon him, due to which the said person fall near the entrance. The remaining three assailants fled with their weapons. The complainant further stated that if he had not resisted and the guard had not fired back, the attackers could have caused loss of life and property. In the complaint, it was further recorded that after informing the senior officers of the Bank, the

complainant-Sunny Sharma was thereafter taken to DMC Hospital, Ludhiana for treatment. One of the deceased accused was identified as Amar Partap Singh, son of Sh. Inderjeet Singh, resident of Village Rasalpur, Post Office Uriawan, Police Station Ikangar Sarai, District Nalanda, Bihar. Thereafter, on 25.02.2022, the petitioner (herein) was nominated as an accused in the present case. Efforts were made to apprehend him and during this process, it came to notice of the police that he is already in custody in another case, FIR No. 97 dated 20.02.2022, registered under Sections 452, 323, 395, 397, 307 IPC and Sections 25/27 of the Arms Act, 1959, at Police Station Raniganj, Calcutta, and is lodged in Asansol District Correctional Home, Paschim Bardhaman, West Bengal. However, his production warrants are being declined as the concerned Sessions Court before whom the said case is pending trial—has refused to grant permission for his production. On these set of allegations, instant FIR was registered against the petitioner.

3. Learned counsel for the petitioner has submitted that the accused is an innocent person and has been falsely implicated in the present case. Learned counsel appearing for the petitioner submits that the police have failed to show any connection of the petitioner with one of the deceased accused person. Learned counsel appearing for the petitioner further argued that the petitioner has no connection with the alleged incident. He further submits that as the petitioner lodged in Correctional Home, Asansol District, West Bengal, in some other case, there is no chance of his absconding. Learned counsel asserts that the 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*, the learned State Counsel opposed the grant of anticipatory bail to the petitioner by arguing that the offence is of a serious nature as he had attempted robbery in the bank and one of his co-accused opened fire on the complainant. The investigation qua the FIR in question is still ongoing and recovery of weapons 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 of robbery/theft. The

petitioner is alleged to be a member of a gang involved in committing robberies and thefts by using firearms. The custodial interrogation of such a gang member is crucial for uncovering the entire conspiracy, identifying other similar offences committed by the group, tracing incriminating evidence and weapons used, and effecting their recovery. 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

November 20, 2025  
Naveen

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