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

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Jasbir Singh

...Petitioner

V/s

State of Punjab

...Respondent

Date of decision: 05.03.2026**Date of Uploading: 05.03.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Neeraj Yadav, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of BNSS, 2023 in FIR No.87 dated 17.10.2024 registered for offences punishable under Sections 103, 3(5) (Section 302, 34 of IPC) (Section 238 of BNS, 2023 (Section 201 of IPC added later on) at Police Station Verka, Amritsar.

2. As per the prosecution case, as set out from the petition in hand, is that on 12.10.2024 at about 12:30 PM, the deceased Harvinder Singh was on his way to Gurudwara Nankar Sahib alongwith his friend Jobanpreet Singh when he was intercepted by the present petitioner alongwith co-accused Harpreet Singh @ Happy and others. It has been alleged that the petitioner raised *lalkara* (exhortation) to teach the deceased a lesson over a prior dispute and co-accused Harpreet Singh inflicted a *kirch* blow on the groin of the deceased. Initially, on account of the injuries sustained, the deceased Harwinder Singh was got admitted in Civil Hospital, Verka where

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the wound was stitched and he was discharged. However, on the next day, the condition of the deceased Harwinder Singh got deteriorated and he was admitted in a private hospital where he expired on 16.10.2024. As per the post mortem report, the cause of death is multi organ failure as a result of septicemia arising from injury No.1, which has been opined to be sufficient to cause death in the ordinary course of nature. On the basis of aforesaid allegations, the FIR in question was registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question as no overt act has been attributed to him except a general allegation of presence and exhortation. Learned counsel has further iterated that the fatal injury has been specifically attributed to co-accused Harpreet Singh and hence the petitioner cannot be held liable for the offence punishable under Section 103 of BNS. Learned counsel has further contended that the deceased was discharged from the hospital after initial treatment which clearly reflects that the injury was not considered life threatening at that stage. Learned counsel has emphasized that the exact cause of death is a matter of medical evidence and the possibility of infection or medical negligence cannot be ruled out at this stage. It has been further contended that the complainant has lodged the impugned FIR on the basis of a false and fabricated story while concealing the true and material facts. It has been further argued that there is no need for custodial interrogation of the petitioner as nothing incriminating remains to be recovered from him and all the material facts are already on record. Learned counsel has further asserted that the petitioner is willing to join investigation as and when require, shall not tamper with evidence or



influence any witness and shall abide by all the conditions imposed in case he is enlarged on pre-arrest bail. On strength of these submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel (on the strength of advance notice) has opposed the grant of anticipatory bail to the petitioner by arguing that the petitioner has been specifically named in the FIR and was an active participant in the occurrence. Learned State counsel has iterated that the allegations in the FIR are grave in nature and disclose the commission of serious offence. According to learned counsel, the petitioner alongwith co-accused has attacked the deceased with deadly weapon on the date of occurrence. The allegations of exhortation coupled with presence at the spot have been levelled against the petitioner and such direct and specific allegations cannot be brushed aside at this stage. Furthermore, the custodial interrogation of the petitioner is necessary for a fair and effective investigation. Learned counsel has emphasized that in case the petitioner is granted the concession of pre-arrest bail, at this stage, it may impede the ongoing investigation and obstruct the recovery. Accordingly, a prayer has been made for the dismissal of the instant petition.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The allegations contained in the FIR cannot be brushed aside as vague or baseless as the record reveals that the petitioner alongwith co-accused arrived at the scene of occurrence and caused injuries to the deceased. The petitioner has been



specifically named in the FIR and is alleged to have been present along with co-accused at the time of occurrence. Furthermore, the petitioner is alleged to have raised a *lalkara* exhorting the co-accused to attack the deceased. At this stage, the argument that no specific injury has been attributed to the petitioner cannot be accepted as the allegation of exhortation *prima facie* attracts the provisions relating to common intention. The occurrence is alleged to have taken place in a manner which *prima facie* indicates concerted action. It is well-settled that the seriousness of the offence is to be assessed on the basis of the allegations and surrounding circumstances and the act done with intention or knowledge to cause death is sufficient. It is settled law that while considering the plea for grant of anticipatory bail, the Court must strike a balance between the right of the individual to liberty and the need for free, fair and effective investigation. The investigation is at a nascent stage and the recovery of the weapon and verification of facts are yet to be carried out. Such offences necessitate a strong and principled judicial response to prevent their recurrence.

7. The plea that the deceased was discharged from the Civil Hospital and therefore, the injury was not fatal also does not advance the case of the petitioner at this stage. The post-mortem report clearly opines that the death has occurred due to septicemia as a result of injury No.1 and the said injury was sufficient to cause death in the ordinary course of nature. Whether the subsequent medical treatment or alleged negligence has any bearing on the cause of death, is a matter to be examined during the course of trial and cannot be adjudicated upon while considering the plea for grant of anticipatory bail. In the considered opinion of this Court, granting



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anticipatory bail at this stage may likely to hamper the on-going investigation. 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. Furthermore, the Court below has already declined the plea of the petitioner after considering the relevant factors, including the allegations levelled against the petitioner and the fact that the recovery is yet to be effected. 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 interests. 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. 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 Hon'ble 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 task of disinterring offences would not conduct themselves as offenders.”

8. There is yet another determinative aspect of the matter which craves attention of this Court.

The record reflects that FIR was registered on 17.10.2024 whereas the petitioner has initially approached the Court below on 10.02.2026 whereby his application for grant of anticipatory bail was rejected on merits. Till now, the petitioner has willfully evaded his arrest and failed to submit himself to the process of law. Such conduct demonstrates a clear disregard for the judicial process and constitutes a compelling ground to deny the grant of anticipatory bail to the petitioner. The prolonged evasion of the petitioner weighs heavily against the exercise of discretion in his favour under the provisions governing anticipatory bail. It is evident that the petitioner has evaded the process of law for around 01 year and 04 months. The conduct of the petitioner in avoiding the arrest for such a prolonged period without any reasonable cause must be considered while adjudicating this petition. Process of justice is meant to treat every individual in a manner which is equitable and fair. However; if the petitioner-accused choose to employ irregular and convoluted tactics, including undue delay, strategically aimed at frustrating the lawful proceedings/investigation, it tantamount to an abuse of the process of justice. While liberty and dignity of an individual must be held high, however, no one can be permitted to subvert and cause devolution in the process of justice. Protracted absence, eluding the process of law and abrupt repetition



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of pleas for pre-arrest bail, in absence of convincing reason(s) is certainly not an act/behaviour which calls for sympathy/indulgence of the Court. The hiatus of approximately 01 year and 04 months on part of the petitioner (herein) is inexplicable *nay* contumacious. Therefore, the conduct of the petitioner when examined in the backdrop of the nature/severity of allegations made against the petitioner, dis-entitles him for grant of anticipatory bail.

9. Considering the nature and gravity of the offence, the specific role attributed to the petitioner and the requirement of the custodial interrogation of the petitioner for an effective and fair investigation, this Court is of the considered view that the grant of anticipatory bail at this juncture may adversely affect the course of investigation. Accordingly, the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand.

10. In view of the prevenient ratiocination, it is ordained thus:

- (i) The instant petition is devoid of merits and is hereby dismissed.
- (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
- (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

March 05, 2026

Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No