



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

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**CRM-M No.51317 of 2024
Date of decision: 29.11.2024**

SUKHPREET SINGH**.... Petitioner****Versus****STATE OF PUNJAB****.... Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Mr. Parminder Singh Sekhon, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab.

MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner in case FIR No.66 dated 23.08.2024 registered under Sections 25 and 27 of Arms Act at Police Station Ghall Khurd, District Ferozepur.

2. Vide order dated 18.10.2024, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 18.10.2024, passed by this Court, reads as under:

“The present petition has been filed by the petitioner for grant of anticipatory bail in case arising out of FIR No.66 dated 23.08.2024 registered under Sections 25 and 27 of Arms Act at Police Station Ghall Khurd, District Ferozepur.

The facts emanating from record are that on 23.08.2024, a Police party was performing patrolling duty and was going towards grain market village Ittan Wali when a youth was found



present there. On seeing the Police party, he at once moved towards the grain market side and hid himself in shrubs of a plant. On suspicion being raised, he was apprehended. On interrogation, he disclosed his name as Avinash Singh @ Heera. On conducting search, one pistol along with magazine was recovered from the right pocket of capri worn by him. The accused Avinash Singh @ Heera could not produce any licence or permit for possessing that weapon. He was arrested. The weapon was taken into custody. On 25.08.2024, he suffered a disclosure statement to the effect that he had purchased the illicit weapon from the present petitioner. On the basis of his statement, the petitioner was nominated as an accused. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which had been dismissed by the Court of learned Additional Sessions Judge, Ferozepur vide order dated 08.10.2024.

It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case on the basis of disclosure statement of co-accused recorded two day after his arrest, which cannot be considered to be admissible in evidence. His custodial interrogation is not required. No recovery is to be effected from. He is ready to join the investigation. His detention would not serve any purpose. Therefore, it is urged that he deserved to be extended benefit of bail.

Notice of motion.



Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter while arguing that the custodial interrogation of the petitioner is required for conducting thorough investigation in the matter.

Adjourned to 29.11.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on ad-interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.”

3. Status report dated 19.11.2024 filed on behalf of respondent-State is taken on record. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 12.11.2024 and he is not required for custodial interrogation.

4. Keeping in view the above mentioned facts and circumstances, no useful purpose would be served by detaining the petitioner in custody, therefore, the present petition is allowed and the order dated 18.10.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

29.11.2024

Jyoti-IV

(MANISHA BATRA)

JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable : Yes/No