



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

CRM-M-3987-2025
Date of decision: 24.02.2025

GURSIMRANJIT SINGH

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. H.P.S. Rakhra, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Instant petition is preferred under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail
in FIR No.108 dated 08.12.2024 under Sections 25, 54, 59 of the Arms Act,
1959, registered at Police Station Verka, Amritsar, District Amritsar.

2. On 24.01.2025, following order was passed:

*"Instant petition is preferred under Section 482 of
Bharatiya Nagarik Suraksha Sanhita, 2023 (for short
'BNSS') seeking anticipatory bail in FIR No.108 dated
08.12.2024 under Sections 25, 54, 59 of the Arms Act,
1959, registered at Police Station Verka, Amritsar, District
Amritsar.*

*Learned counsel for the petitioner, inter alia,
contends that the petitioner is not named in the FIR (supra)
and even after remand of the accused, who were arrested,
was taken, he was not named. However, disclosure
statement of co-accused was recorded, in which the
petitioner was nominated as accused. Even in the
disclosure statement, complete particulars of the person,
from whom the weapon was purchased, was not given and*



the petitioner has been falsely implicated in the present case. The confessional statement recorded by the police official of the co-accused while in police custody is hit by the provisions of Section 23(1)(2) of Bharatiya Sakshya Adhiniyam, 2023 and the same cannot be taken into consideration.

Notice of motion for 24.02.2025.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of Cr.P.C.).*

If the Arresting Officer does not permit the petitioner to join the investigation, he would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law."

3. Learned State counsel, on instructions from ASI Lakhwinder Singh, submits that in compliance of order dated 24.01.2025 passed by this Court, the petitioner has joined the investigation and is also required for



further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel, the order dated 24.01.2025, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 482 (2) BNSS.

5. The petition is accordingly disposed of with a direction to the petitioner to again join investigation as and when called by the investigating officer.

6. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

February 24, 2025
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(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No