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

CRM-M-4990-2025

Date of decision: 28.02.2025

Abhi

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Vikram Satpal Anand, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing FIR
No.175 dated 04.11.2024 under Section 25 of Arms Act, 1959 registered at
Police Station Cantonment, District Police Commissionerate Amritsar
(Annexure P-1).

On 29.01.2025, the 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.175 dated 04.11.2024 under Section 25 of Arms Act, 1959, registered at
Police Station Cantonment, District Police Commissionerate Amritsar.*

*Learned counsel for the petitioner, inter alia, contends that FIR
(supra) was registered on the basis of secret information and admittedly,
illegal weapon was recovered from the possession of co-accused and the
petitioner is alleged to have run away from the spot. When co-accused was
apprehended, the petitioner has been nominated as accused only on the basis
of disclosure statement made by co-accused while in police custody, which
has no evidentiary value in the eyes of law. The petitioner is 25 years of age
and he is not involved in any other case.*

Notice of motion for 28.02.2025.

*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***



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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 the Code of Criminal Procedure, 1973).

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. '

Learned State counsel on instructions from ASI Tejinder Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is required as he is not cooperating.

In view of the statement of learned State counsel, order dated 29.01.2025 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482 (2) of BNSS (earlier Section 438(2) Cr.P.C.) and is directed to join the investigation as and when called by the Investigating/Arresting Officer.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

28.02.2025

Neha

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