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

CRM-M-9659-2025

Date of decision: 24.04.2025

Gursangat Singh

....Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR****Present:** Mr. J.P. Devgan, Advocate  
for the petitioner.

Mr. Subhash Godara, Addl.A.G., Punjab.

**HARPREET SINGH BRAR, J. (ORAL)**

This petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing FIR No.168 dated 26.12.2024 under Sections 304(2)/3(5) of BNS registered at Police Station City Patti District Tarn Taran, Punjab.

On 25.03.2025, 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.168 dated 26.12.2024 under Sections 304(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station City Patti, District Tarn Taran.*

*Learned counsel for the petitioner, inter alia, contends that the petitioner is not named in the FIR (supra) and he has been nominated as accused merely on the basis of disclosure statement made by co-accused during his custodial interrogation, which has no evidentiary value in the eyes of law, as the same would be hit by Section 25 of Indian Evidence Act, 1872 (now Section 23(1)(2) of Bharatiya Sakshya Adhiniyam, 2023). Further, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is punishable upto 03 years and no notice under Section 35(3) of BNSS [erstwhile Section 41-A of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')] has been served upon the petitioner.*

*Learned counsel for the petitioner submits that inadvertently, the fact regarding involvement of the petitioner in one more case could not be mentioned in the petition, as his family members are illiterate and they were not aware about the actual facts.*

*Notice of motion for 24.04.2025.*

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs.***



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*State of Punjab, (1980) 2 SCC 565, 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. In view of the ratio of law laid down by Hon'ble Supreme Court in **Prabhakar Tiwari Vs. State of UP and anr., 2020(1) RCR (Criminal) 831** and **Maulana Mohd. Amir Rashadi Vs. State of U.P. and others, 2012(2) SCC 382**, the involvement of an accused in other criminal cases cannot be the sole ground to deny him the concession of bail.*

*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 SI Charanjit Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required. He further submits that offence under Section 201 of IPC has been added later on.

In view of the statement of learned State counsel, order dated 25.03.2025 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.).

The petition stands disposed of.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**24.04.2025**

*Neha*

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