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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.12377 of 2025
Date of decision: 07.04.2025

Mahabir Singh ... Petitioner

Vs.
State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Vaiibhav Naarang, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
0140	02.10.2024	Chattiwind, District Amritsar Rural	304(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) and 25 and 27 of Arms Act, 1959

2. As per the allegations, the complainant Raj Singh who was working as a Security Guard at some showroom at Mohali, received a call on 09.09.2024 on his cell phone and the caller offered to get him

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employed in some college at Amritsar on a salary of Rs.35,000/- per month. On asking of the caller, the complainant along with his licensed pistol went to bus stand Amritsar on 11.09.2024 and was picked up by one person who came on a bike. He was taken towards South side of Bohru river. The bike rider stopped vehicle after sometime on the road. One person came out of the bushes existing on the side of the road and by pointing a firearm on the temple of the complainant, both of them took away the licensed pistol with six bullets and mobile phone belonging to the complainant and then escaped. The complainant disclosed that he had been making inquiry at his own level and had come to know that Gursewak Singh along with one unknown person had snatched his mobile phone and weapon. The abovesaid Gursewak Singh was nominated as an accused and was arrested on 02.10.2024. He suffered a disclosure statement admitting his involvement in the offence of snatching and also about the complicity of the present petitioner. He disclosed that the snatched phone had been damaged by the petitioner. The petitioner was nominated as an accused. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Amritsar vide order dated 28.02.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of

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the co-accused which cannot be considered to be admissible in evidence. There is delay of 23 days in lodging of the FIR which has not been satisfactorily explained. Recovery of the snatched pistol has already been effected from the accused Gursewak Singh. No recovery is to be effected from him. He is ready to join the investigation. His custodial interrogation is not required. He does not have any criminal antecedents. Accordingly, it is urged that the petition deserves to be allowed.

4. Status report has already been filed. Learned Assistant Advocate General, Punjab has submitted that the allegations against the petitioner are serious in nature. His custodial interrogation is required for the purpose of recovery of the weapon and the motorbike used by him at the time of occurrence. Accordingly, it is urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner along with the co-accused is alleged to have snatched the mobile phone and a licensed weapon belonging to the complainant on the night of 11.09.2024. The incident was reported to the police after a gap of 20 days. Recovery of snatched weapon has been effected from the co-accused whereas the mobile snatched from the complainant is alleged to have been damaged by the petitioner. The petitioner cannot be denied benefit of pre arrest bail for the purpose of effecting any recovery. He is not expected to make self incriminating

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statement. Given the nature of the allegations, pre trial incarceration of the petitioner is not required. As such, in the considered opinion of this Court, the petitioner deserves to be extended benefit of bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail in the event of his arrest, on the following conditions:-

- (i) He shall furnish requisite personal/surety bonds to the satisfaction of the Arresting officer/investigating officer by appearing before him within a period of ten days;
- (ii) He shall appear before the Investigating Officer as and when called subsequently and submit all documents and details as may be called upon by him.
- (iii) He shall not tamper with the evidence or cause any threat or to any of the prosecution witnesses in any manner.
- (iv) In the event of violation of any of the abovesaid terms, his bail shall stand automatically cancelled.
- (v) He shall not leave the country without prior permission of the trial Court.
- (vi) He shall regularly appear before the Court on every date of hearing and also and when called upon to do so during the course of trial.

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7. It is further clarified that the observations made above are only for the purpose of consideration of application for anticipatory bail and the same shall not in any manner influence the trial. The trial Court shall consider the case on its merits and without being influenced by this order.

07.04.2025

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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No