



CRM-M-32813-2025

-1-

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

323

CRM-M-32813-2025

Date of decision: 7th July, 2025

Jashanpreet Singh @ Jashan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Riffi Birla, Advocate for the petitioner.

Ms. Himani Arora, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 01 dated 08.01.2025 registered under Sections 303(2), 341(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), Section 25 of Arms Act and Sections 4 and 5 of Explosive Substances Act, 1908 (Offences under Sections 317(2) and 61(2) of BNS added later on) at Police Station State Special Operations Cell, Fazilka.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the allegations that a secret information was received by the Inspector Baldev Singh to the effect that the present petitioner and co-accused Jagtar Singh had relations with Anti-National Elements and were indulged in illegal and terrorist activities. It was also informed to him that they were planning to



cause explosion using RDX on some police station or upon police officials/officers. The complainant also received information that the co-accused Jagtar Singh was carrying illegal arms/ammunition in a stolen motorcycle and was going towards Ferozepur from the Mallanwala area. Believing the secret information to be true, a ruqa was sent for registration of FIR. A barricade was laid at Ferozepur-Mallanwala link road. The accused Jagtar Singh @ Jagga was apprehended with a stolen motorcycle. One .32 bore country made pistol, four live cartridges and one Oppo phone were recovered from him. He was interrogated and suffered a disclosure statement that he had links with the petitioner and stolen motorcycle was arranged by the petitioner as they had hatched a plan to attack some police official or to blast a police station. He also disclosed that the petitioner had introduced him with some person who was to bring explosives. The petitioner was nominated as such an accused. He was apprehended and by way of transit remand was brought within the jurisdiction of the concerned police station. He was formally arrested and suffered disclosure statement admitting his involvement in the crime. He got recovered a hand grenade in pursuance thereof. Some other co-accused were also nominated and were arrested. The petitioner was released on default bail under Section 187(3) of BNSS on account of inability of the police to present challan within the stipulated time and was released on 15.04.2025. Subsequently, offences under Sections 317(2) and 61(2) of BNS were added and the petitioner is sought to be arrested in those offences. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Fazilka, which was dismissed vide order dated



03.06.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was pursuing his BA, LLB while studying in a college at Amritsar, when he was arrested previously. The offences under Sections 319(2) and 61(2) of BNS have been added subsequently. A false recovery has been planted upon him. No recovery is to be effected from him now. His custodial interrogation is not required. He is ready to join the investigation. It is, therefore, argued that he deserves to be extended benefit of pre-arrest bail.

4. Status report has been filed. It is argued by learned Assistant Advocate General, Punjab, that the allegations against the petitioner are serious in nature. His custodial interrogation is must for the purpose of conducting investigation under the newly added Sections. He had been extended benefit of default bail and not regular or anticipatory bail earlier. It is, therefore, argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner had previously been arrested in this case on the allegations that he along with the co-accused had planned to attack upon some police officials or to blast some police station with some explosives and had arranged illegal weapons/ ammunition for that purpose. He was booked for commission of offences punishable under Sections 303(2) and 341(3) of BNS read with Section 25 of Arms Act and Sections 4 and 5 of Explosive Substances Act. Now offences under Sections 317(2) which is corresponding to Section 411 of IPC and Section 61(2) of BNS,



corresponding to Section 120-B of IPC have been added. The stand taken by the respondent-State is that one Nishant Singh has transferred an amount of Rs. 20,000/- in the bank account of Akashdeep Singh, a close associate of the present petitioner for payment thereof to the petitioner and had also stolen a motorcycle. Admittedly and evidently, this motorcycle has already been recovered from the co-accused. The petitioner previously remained in custody. He was given benefit of default bail. The amount of Rs. 20,000/- is not shown to have been transferred in his bank account. As such, it is a question of debate, as to whether, the custodial interrogation of the petitioner is required for the purpose of the newly added offences/sections. The petitioner is deemed to be in constructive custody of the Court. There is nothing on record to show that he had misused the concession of bail previously granted to him. In these peculiar circumstances, this Court is of the considered opinion that pre-trial incarceration of the petitioner is not required. Accordingly, the petitioner is ordered to be admitted to bail subject to his surrendering before the Investigating/Arresting Officer within a period of ten day and joining the investigation and subject to his furnishing bonds to the satisfaction of the Investigating/Arresting Officer and complying with the usual terms and conditions of Section 482(2) of BNSS.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

7th July, 2025
Parveen Sharma



CRM-M-32813-2025

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |