



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M No.58942 of 2024
Date of decision: 08.04.2025

GURBAJ SINGH**.... Petitioner**

Versus

STATE OF PUNJAB**.... Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Mr. Vaibhav Narang, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner in case FIR No.58 dated 23.09.2024 registered under Section 25 of Arms Act and Section 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short-'BNS') (offences under Section 25(A) of Arms Act and Sections 21 and 29 of NDPS added later on vide order dated 09.12.2024), at Police Station State Special Operation Cell, Amritsar, District Intelligence Wing (CID).

2. Vide order dated 26.11.2024, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 26.11.2024, passed by this Court, reads as under:

“The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.0058, dated 23.09.2024, Police Station State Special Operations Cell, Amritsar, District Intelligence Wing (CID), under



Section 25 Arms Act, 1959, Section 61(2) of the Bharatiya Nyaya Sanhita (BNS), 2023.

The FIR was lodged pursuant to receipt of secret information to the effect that Sagar, Gurlal Singh, Sumit Sharma and Gurbaj Singh (petitioner) indulged in smuggling of illegal weapons by procuring the same from Madhya Pradesh.

It is further the case of prosecution that pursuant to receipt of said information the police was able to apprehend Sagar, Gurlal Singh and Sumit Sharma on 23.09.2024 and that while Gurlal Singh was found to be in possession of 45 grams of 'heroin' apart from one magazine 9mm and 7 live cartridges; Sagar was found to be possessing 35 grams of 'heroin' and Sumit Sharma was found to be carrying another 25 grams of 'heroin'.

It is further the case of prosecution that during the course of interrogation Gurlal Singh made a disclosure statement to the effect that the recovered heroin had been given to them by Gurbaj Singh.

Learned counsel further submits that he was never ever found at the spot or arrested at the spot and has been named falsely in the FIR and that even the disclosure statement made by co-accused would not carry any evidentiary value particularly the absence of any



connecting evidence. It has also been submitted that the petitioner otherwise has a clean record.

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Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Learned State counsel, on instructions from ASI-Ghansham Sundar, has submitted that the petitioner has joined investigation on 20.12.2024 and he is not required for custodial interrogation.

4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 26.11.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

08.04.2025

Jyoti-IV

(MANISHA BATRA)

JUDGE

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