



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

**CRM-M-61299-2025
Date of decision: 06.11.2025**

SURINDER SINGH AND OTHERS

...Petitioners

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Ankur Malik, Advocate
for the petitioners.

YASHVIR SINGH RATHOR, J. (Oral)

1. This is the first petition under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.373 dated 13.10.2025 registered under Sections 127(6), 61(2) of BNS, 2023 at Police Station City Kharar, District SAS Nagar.

2. Notice of motion. Mr. Jatinder Pal Singh, Sr. DAG, Punjab, has appeared and accepted notice on behalf of the State. Both the parties have been heard and material placed on file has been perused.

3. The petitioners are seeking anticipatory bail for the offences under Sections 127(6) and 61(2) of BNS, 2023, which are bailable. The trial Court has also dismissed their petition, taking into consideration the fact that the offences are bailable and the petition in hand is not maintainable. The Investigating Officer has been directed to proceed ahead with the procedure prescribed under Section 478 BNSS, 2023.

4. The apprehension of petitioners is that police may add some



non-bailable offence, the moment they will appear before the police to join the investigation and may be arrested in this case. If it is so, the police shall comply with the requirements of the law laid down by Hon’ble Supreme Court in 2014(8) SCC 273 titled as **Arnesh Kumar Vs. State of Bihar** and law laid down in (2022) 10 SCC 51 titled as **Satender Kumar Antil Vs. CBI**, as well as Section 35 of BNS (Section 41-A Cr.P.C). In case, the offence is punishable upto seven years imprisonment and police seeks to arrest them in the given allegations, seven days advance notice be issued to them.

- 5. Resultantly, the present petition is disposed of.
- 6. Pending misc application (s), if any, shall also stand disposed of.

06.11.2025
Priyanka Thakur

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No