



CRM-M-62728-2025 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-62728-2025
Decided on: December 08, 2025

MonuPetitioner
Versus
State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Ms. Bhavya, Advocate,
for Mr. Vivek Singla, Advocate,
for the petitioner.

Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J.

1. This is second petition, under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner	FIR No.	Date	Section(s)	Police Station	District
Monu, aged about 37 years	281	23.12.2024	109, 125, 194(2), 191(3), 190 of BNS, 2023, and Sections 25 & 27 of the Arms Act	Sadar	Amritsar

2. The first anticipatory bail petition, i.e. CRM-M-6423-2025, of the petitioner was dismissed on merits by the Co-ordinate Bench of this Court, vide order dated 24.03.2025 (Annexure P-5). And, on



10.11.2025, when the present second anticipatory bail petition came up for consideration, the Co-ordinate Bench of this Court, passed the following order:-

“ The Director General of Police, Punjab shall file an affidavit as to what steps have been taken to secure the presence of the petitioner whose first bail application was argued at length and dismissed on 24.03.2025.”

3. In compliance of the order dated 10.11.2025, an affidavit of Mr. Gaurav Yadav, IPS, Director General of Police, Punjab, dated 05.12.2025, has been filed by learned State counsel today in the Court, which is taken on record. Registry to tag the same at appropriate place.

By referring to para No. 5 of the said affidavit, learned State counsel informed this Court that the petitioner – Monu was arrested in this case on 21.11.2025 and one .32 bore pistol was also recovered from him. Thus, submits that the present petition is liable to be dismissed, having been rendered infructuous. Para Nos. 5 to 9 of the affidavit, dated 05.12.2025, reads as under:-

“5. That it has further been reported that Deputy Commissioner of Police, Amritsar examined the Police File of aforesaid case FIR No. 281/2024, which revealed that the anticipatory bail of accused Monu was dismissed by this Hon’ble Court on 24.03.2025. ASI Gurjeet Singh No. 3057/Amritsar, Incharge Chowki Vijay Nagar, Amritsar conducted raids on 02.04.2025, 18.04.2025, 20.07.2025 at the house of accused Monu but accused Monu was evading arrest. Subsequently, ASI Harjinder Singh, 1147/Amritsar, Incharge Chowki Vijay Nagar, Amritsar conducted raids at the residence of Monu to arrest him on 10.08.2025, 03.09.2025, 27.10.2025 and 07.11.2025. Finally, accused Monu was arrested in this case on 21.11.2025 and an illegal .32 bore pistol was recovered from accused Monu, which was used in the crime on 22.12.2024.

6. That the Commissioner of Police, Amritsar has reported that Inspector Harinder Singh No. 438/BR (now Deputy Superintendent of Police), Inspector Harsandeep



Singh No. 54/CP Amritsar and Inspector Kirandeep Singh No. 212/BTR had remained posted as Station House Officer, Police Station Sadar Amritsar, during the aforesaid period when Monu was evading arrest process of law.

After dismissal of anticipatory bail of petitioner/accused Monu on 24.03.2025, the aforesaid SHOs were duty bound to take effective steps to arrest Monu at the earliest. Due to negligence on part of aforesaid 03 SHOs, petitioner/accused Monu was successful in evading arrest for a period of about 07 months. Therefore, notices have been issued to Inspector Harinder Singh No. 438/BR (now Deputy Superintendent of Police), Inspector Harsandeep Singh No. 54/CP Amritsar and Inspector Kirandeep Singh No. 212/BTR seeking explanation regarding aforesaid negligence on their part during their posting as Station House Officer at Police Station Sadar Amritsar.

7. *That deponent further craves indulgence of this Hon'ble Court to submit that earlier there was no unified or comprehensive Standard Operating Procedure to deal with cases of accused whose anticipatory bail has been dismissed by the Hon'ble Court.*

8. *That a Standard Operating Procedure (SOP) has been framed for guidance of all police officials to deal with cases of arrest of accused persons whose anticipatory bail application has been dismissed by the Hon'ble Courts. A copy of the aforesaid Standard Operating Procedure (SOP) issued vide No. 13528/CR-LA-4 dated 10.11.2025 is annexed alongwith and marked as **ANNEXURE R-1**.*

The aforesaid SOP refers to various provisions in Punjab Police Rules and Bharatiya Nagarik Suraksha Sanhita, 2023 as well as law settled on the issue in various judgments of Hon'ble Supreme Court of India. It is intended to reach each and every Investigating Officer/ SHOs/ Senior Supervisory Officers. Therefore, apart from guidelines, reference has been made in the SOP to elementary provisions/law so that it is easily comprehensible by all police officials working at the field level.

9. *That all the heads of field units and other police wings have been directed to personally ensure that the provisions of the SOP are brought to the notice of all the Investigation Officers in the State of Punjab to ensure meticulous compliance of the same, in letter and spirit.”*



4. In the affidavit dated 05.12.2025, it has been tried to explain that concerned investigating officers raided the house of the accused/petitioner several times, but every time he evaded his arrest. Eventually, on 21.11.2025 (after passing of the previous order dated 10.11.2025, by the Co-ordinate Bench of this Court), he was arrested.

Further, it has been explained that during the relevant time, Inspector Harinder Singh (now Deputy Superintendent of Police), Inspector Harsandeep Singh and Inspector Kirandeep Singh, remained posted as Station House Officer, Police Station Sadar Amritsar, and were duty bound to take effective steps to arrest the petitioner. For their lapse, notices have already been issued to them, seeking their explanation.

Furthermore, an elaborate Standard Operating Procedure (SOP), dated 10.11.2025 (Annexure R-1), containing various provisions of the Punjab Police Rules and Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023), and various judgments of Hon'ble Apex Court, has been framed for guidance of each investigating officer, Station House Officers and Senior Supervisory Officers, to deal with cases of arrest of accused persons whose anticipatory bail application has been dismissed by the courts. Other than this, all the heads of field units and other police wings have also been directed to personally ensure that the provisions of the SOP are brought to the notice of all the Investigating Officers in the State of Punjab to ensure meticulous compliance of the same, in letter and spirit.

5. In view of the fact that the petitioner has already been arrested, though on taking notice of not effecting his arrest despite



dismissal of his first anticipatory bail petition by the Co-ordinate Bench of this Court, vide order dated 24.03.2025 (Annexure P-5), this petition is **dismissed**, having been rendered infructuous.

6. Before parting, it is important to mention that in many of the cases where some senior police officer is directed to submit affidavit or explanation or his presence before the Court, the effective steps in regard to the arrest of the accused is taken only thereafter. While adjudicating one such petition, i.e. CRM-M-17730-2025, titled as “Kala Singh v. State of Punjab”, this Court had made detailed observations regarding functioning of the police authorities in the State of Punjab, in its order dated 01.04.2025. Thereupon, to explain the issues raised in the order dated 01.04.2025, status report was filed disclosing that departmental proceedings were initiated against the erring police officials, and all the eight accused in the said case were also arrested. This Court was also apprised that detailed and strict instructions, vide Circular Order No. 07 of 2025, were also issued by the Director General of Police, Punjab, to all the police officers and officials, to ensure that investigations are conducted expeditiously and lawfully and action as per law shall be taken against any defaulting police officer/official.

However, this Court feels that irrespective of issuance of instructions/Circular No. 07 of 2025 and Standard Operating Procedure, dated 10.11.2025, which has been now issued, no mechanism or system of vigil and monitoring over the working of the investigating officers at least once in a month through the Senior Superintendent of Police or Superintendent of Police of the area has been involved so far, in the State



of Punjab. Accordingly, the Director General of Police, Punjab, and the Principal Secretary, Department of Home, Punjab, are expected to look into this aspect of the matter and take appropriate steps, so that the court(s) may not require to issue any harsh direction against any authority in the State time and again.

7. Let a copy of this order be sent to the the Director General of Police, Punjab, and the Principal Secretary, Department of Home, Punjab, for compliance.

(SANJAY VASHISTH)
JUDGE

December 08, 2025
Pkapoor

Whether Speaking/Reasoned: ✓ YES/~~NO~~
Whether Reportable: ✓ YES/~~NO~~