



CRM-M-64199-2025

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

CRM-M-64199-2025

Decided on: 14.11.2025

Amish Sharma

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rishabh Garg, Advocate, for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.126 dated 29.08.2024, registered under Sections 109, 62, 49 of BNS, 2023 and Sections 25 and 27 of the Arms Act, 1959 (Sections 351(2), 351(3), 111, 61(2) BNS, 2023 added lateron) (charges not framed under Arms Act), at Police Station City Gurdaspur, District Gurdaspur.

2. Succinctly facts of the case are that the FIR in the present case was registered on the statement of the complainant, namely, Nakul Mahajan. It was alleged that he is carrying out a private business and is the District President of Youth Congress. He had family relation with Baljit Singh Pahra. Lovepreet Singh @ Lavi called from his whatsapp and demanded a ransom and extended threat to him. A complaint regarding the same was lodged on 17.03.2022 at Police Station City Gurdaspur. It was alleged that Lovepreet Singh @ Lavi was already facing many cases and he was running a gang through foreign country. In the intervening night 28/29.08.2024 at about 10:30 p.m., when he was having his dinner, heard



three fire shots and thereafter, he received a phone call. In the morning, he found three empty shells and two live cartridges at the main gate of his house. It was alleged that the complainant apprehended life threat at the hand of Lovepreet Singh @ Lavi. Thus, request was made to take legal action against the accused. On the registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioner, namely, Amish Sharma was surfaced and thus, he was also arrayed as an accused. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Gurdaspur, for the grant of anticipatory bail. However, learned Court after hearing both the sides, finding no merit in the petition filed by the petitioner, dismissed the same vide order dated 06.10.2025. Hence, aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that neither the petitioner is named in the FIR, nor there is any overt act alleged against him, however, he has been implicated in the present case only on the basis of the disclosure statement of co-accused Akashdeep Singh, which is even not an admissible evidence. He submits that as per the case of the prosecution, co-accused Sahil and Akashdeep @ Janni fired outside the house of the complainant. He submits that challan against the co-accused already stands presented. He, thus, submits that no *prima facie* case as alleged against the petitioner is not made out and he deserves the concession of anticipatory bail.

4. *Per contra*, learned State counsel has opposed the submissions



made by counsel for the petitioner. He has submitted that during the investigation, complicity of the petitioner had surfaced. He thus, submits that no case for grant of anticipatory bail to the petitioner is made out.

5. After hearing learned counsel for the parties and perusing the record, it is apparent that the FIR in the present case was lodged on the statement of complainant, Nakul Mahajan, who received life threat at the behest of Lovepreet Singh @ Lavi. Name of the petitioner surfaced on the disclosure statement of co-accused Akashdeep, who participated in the alleged occurrence of firing. It was found during the investigation conducted so far that the petitioner was the member of an organized crime syndicate, who extends threats of extortion to various persons and his *modus operandi* is to fire shots at the house of the victims. The main handlers of the gang operate from outside India and it is at their behest the shooting incident has taken place. Needless to say that the investigation is at threshold.

6. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

482“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may*



think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section."*

7. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

"6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under [Section 438](#) of the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disintering offences would not conduct themselves as offenders."



8. Hon'ble Apex Court in plethora of judicial precedents including Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

9. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

10. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

11. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

14.11.2025
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No