

2026:PHHC:040720



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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-3554-2026**

Happy Singh

....Petitioner

versus

State of Punjab

....Respondent

Date of Decision: March 16, 2026**Date of Uploading: March 16, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Mr. Nirmaljeet Singh Sidhu, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

SUMEET GOEL, J. (Oral)

Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner, in case bearing FIR No.01 dated 01.01.2026, registered for the offences punishable under Section 223 of the BNS, 2023 and Sections 25/ 27 of the Arms Act, 1959, at Police Station City Rampura, District Bathinda, Punjab.

2. The gravamen of the FIR in question is that the petitioner is an accused of being involved in an FIR pertaining to BNS and Arms Act alleging that he had uploaded his photos/ videos armed with weapons on the social mediation, thereby, violating the orders of the Deputy Commissioner, Bathinda.

3. Learned counsel for the petitioner has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioner are concocted, improbable and devoid of any merit. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that the petitioner has no concern with the offence in question. Learned counsel has further iterated that no inquiry into the allegations in question has been conducted by the police to ascertain as to whether the social media account, on which, the petitioner had allegedly uploaded the photos/ videos armed with weapons, belongs to the petitioner nor not. Learned counsel has argued that mandatory certificate under Section 63(C) of the BSA, 2023 has not been obtained by the police from the concerned social media platform to substantiate the allegations leveled in the FIR in question, rendering prosecution case doubtful. Learned counsel has further argued that there is no allegation against the petitioner *qua* opening fire shots from the weapons in question. Learned counsel has further argued that, in fact, the whole story of the prosecution is just concocted one as the petitioner has never ever uploaded such photos/ videos on any social media platform.

3.1. Learned counsel asserts that the police have not conducted a fair and impartial investigation and the inquiry conducted so far is not only incomplete, but also tainted with bias. Learned counsel has asserted that nothing is to be recovered from the petitioner. Moreover, the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Furthermore, the petitioner is ready to join the investigation and, hence, no

useful purpose would be served by sending him behind the bars. On the aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel, while raising submissions in tandem with the status report by way of an affidavit dated 04.03.2026, filed by the State in the Court today, is taken on record, has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. Learned State counsel has iterated that the police had received secret information to the effect that the petitioner has uploaded his photos/ videos armed with ammunition, thereby, flouted the orders of the Deputy Commissioner, Bathinda. Learned State counsel has further argued that such act of the petitioner spreads wrong message in the society, thereby causing bad impact on the minds of the youth. Given the severity of the offence, there exists a substantial likelihood that the petitioner may abscond or tamper with the evidence, if he is enlarged on bail. Learned State counsel has iterated that the custodial interrogation of the petitioner is imperative for the purpose of effective and fair investigation and to unearth the case of the prosecution. On these submissions, dismissal of the present petition is entreated for.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, indubitably, grave and serious allegations have been levelled against the petitioner. As per the version put forth by the prosecution, it is, *prima facie*, borne out that the petitioner has openly uploaded photographs and videos of himself on social media platforms while being armed with ammunition, thereby deliberately flouting the prohibitory orders issued by the Deputy

Commissioner, Bathinda. Such conduct clearly reflects a blatant disregard for the rule of law and the authority of lawful administrative directions issued to maintain public peace and order. The act of recording and uploading such content on social media is a conscious and deliberate act, which indicates the petitioner's intention to publicly display and glorify possession of ammunition, thereby creating a sense of fear and insecurity in society and encouraging similar unlawful conduct by others. There appears need for custodial interrogation of the petitioner to ascertain the source of the ammunition, the circumstances in which the same was procured, and whether other persons are involved in the commission of the offence.

6.1. Further, while rejecting the bail application of the petitioner, learned Court below observed that in the photographs, the petitioner was clearly seen holding pistols in both his hands, which has been duly substantiated by the Investigating Officer. It has been further observed that the custodial interrogation of the petitioner is necessary to ascertain whether the pistols shown in the photographs are licensed weapons belonging to him or unlicensed arms. Even, otherwise, the petitioner cannot be permitted to display or exhibit the same on social media platforms in such a manner.

7. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR.

8. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and

wide impact of such alleged iniquities on the society. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In *State v. Anil Sharma* [*State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039*], the Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is 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 a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

8.1. In view of the gravity of the allegations, the role attributed to the petitioner, and the necessity of custodial interrogation for a fair and thorough investigation, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby **dismissed**.

9. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

March 16, 2026
mahavir
Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No