



CRM-M-12110 of 2026 (O&M) -1-

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

139+210

**CRM-M-12110 of 2026 (O&M)
Date of Decision: 17.04.2026**

Tegwinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Balbir Singh Jaswal, Advocate
for the petitioner.

Mr. Amritpal Singh, DAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

CRM-16385-2026

Prayer in the present application is to add offence under Section 25(8) of the BNS, which has been added, vide DDR No.13 dated 27.01.2026 in the heading and prayer clause of the petition as it was not in the knowledge of the petitioner.

Learned State counsel has no objection to the prayer made by the petitioner.

Application is allowed and the offence under Section 25(8) of the BNS is ordered to be added in the heading and prayer clause of the petition.

Registry is directed to do the needful.

**CRM-M-12110 of 2026 (O&M) -2-****Main Case**

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.138 dated 22.11.2025 registered under Sections 25 of the Arms Act (Section 25(8) of BNS added later on), at Police Station Mehta, District Amritsar.
2. Brief facts of the prosecution case are that on 22.11.2025, ASI Harpal Singh along with other police officials was on patrolling duty and on the basis of secret information, apprehended co-accused, namely, Harjinder Singh, who was found in conscious possession of one pistol loaded with magazine, whereas the petitioner managed to flee from the spot. Hence, the present FIR.
3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He argued that the petitioner was named in the FIR only on the basis of suspicion without any concrete evidence. He further argued that if the contents of the FIR are taken to be true, even then no specific role has been attributed to the present petitioner. He argued that recovery in the present case has already been effected from co-accused Harjinder Singh and nothing is to be recovered from the petitioner. Learned counsel has further submitted that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency.
4. After registration of the FIR, investigation has been initiated and is under way. Apprehending his arrest, the petitioner had moved an

**CRM-M-12110 of 2026 (O&M) -3-**

application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Amritsar, vide order dated 29.01.2026.

5. On the other hand, learned State counsel has already filed the status report in the matter and while referring to the same, he has opposed the prayer for grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature. He argued that the petitioner has been specifically named in the FIR. He further argued the petitioner along with co-accused Harjinder Singh were having illegal deadly weapons (pistols) in their possession. He further argued that one mobile phone OPPO A-57 was also recovered from the spot in the driver seat of the recovered vehicle and on enquiry, it was found that the same belongs to the petitioner, who fled away from the spot. He further submitted that the petitioner is also involved in multiple other cases meaning thereby he is a habitual offender. He further submitted that the custodial interrogation of the petitioner is required for fair and proper investigation in the matter, to effect recoveries of other weapons and to take the investigation to its logical end. Hence, he prays for dismissal of the petition.

6. Heard.

7. In the present case, the petitioner is specifically named in FIR and the allegations against him are serious in nature. There are specific allegations against the petitioner that he along with co-accused Harjinder Singh was in possession of illegal weapons (pistols). Apart from that, one mobile phone was also recovered from the spot in the driver seat of the recovered vehicle and the same also belongs to the petitioner, showing

**CRM-M-12110 of 2026 (O&M) -4-**

his involvement in the offence and as such, the petitioner had actively participated in the crime. The investigation *prima facie* point towards requirement of deeper probe for which custodial interrogation of the petitioner is required. While considering plea for grant of anticipatory bail, this Court is required to consider the overall nature of offence and accusation against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection, at this stage. Granting anticipatory bail with such allegations, at this preliminary stage, would not be justified as it may affect the course of fair investigation and undermine the seriousness of the alleged act.

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 would be apposite to refer herein judgment of Hon'ble Supreme Court in '***State Vs. Anil Sharma***', (1997) 7 SCC 187, wherein it has been held as under:

"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 information 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



CRM-M-12110 of 2026 (O&M) -5-

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."

9. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Thus, the present petition being devoid of merits is hereby dismissed.

10. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

(RUPINDERJIT CHAHAL)
JUDGE

17.04.2026

D.Bansal

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