



137

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

**CRM-M-13284-2026
DECIDED ON: 11.03.2026**

HARMANJEET SINGH ALIAS HARMAN PETITIONER

VERSUS

STATE OF PUNJAB RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.

Present: Mr. Amardeep Singh, Advocate,
 for the petitioner.

Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J (ORAL)

1. Present petition has been filed by the petitioner, seeking grant of anticipatory bail, in case, FIR No.163, dated 29.06.2025, under Sections 310(4), 310(5) of BNS and section 25 of Arms Act (Section 238 of BNS added later on) (earlier sections 399, 393, 201 of IPC), registered at Police Station Gate Hakima, Police Commissionerate, District Amritsar.

2. Counsel for the petitioner contends that, as per the allegations in the FIR, on receipt of secret information, FIR in the present case was registered against total five accused, namely, (i)Amritpal Singh alias Kaka, (ii) Harmanjeet Singh alias Harman (petitioner herein), (iii) Sahil Mattu, (iv) Sahib Singh alias Sabu alias Suraj and (v) Karandeep Singh alias Karan.

As per the allegations, they had formed a gang and were allegedly preparing to commit robbery while being armed with deadly weapons in the area falling within the jurisdiction of Police Station Gate Hakima. On the basis of said information, which was stated to be reliable, FIR was registered even prior to conducting any raid.

3. Counsel for the petitioner submits that subsequent to the registration of the FIR, on conducting a raid, three of the accused, namely Sahil Mattu, Harmanjeet Singh alias Harman (petitioner herein), and Amritpal Singh alias Kaka, were arrested. However, two of the accused could not be apprehended.

4. While filing the final report, co-accused Ritik Malhotra was found innocent. Upon his application for discharge, the same was allowed, and he was ordered to be released from jail by learned JMIC, Amritsar, vide order dated 25.08.2025.

It is further submitted that it was only co-accused Ritik Malhotra, who was to be released, pursuant to the order dated 25.08.2025. However, due to an inadvertent mistake by the authorities of Central Jail, Goindwal Sahib, Tarn Taran, petitioner was also released.

5. Counsel for the petitioner contends that subsequently, one of the accused, namely Amritpal Singh alias Kaka, has been granted the concession of interim regular bail by this Court, vide order dated 09.01.2026 passed in CRM-M-56149-2025 (Annexure P-4).

Therefore, petitioner need not be sent behind bars, once again. Since his similarly situated co-accused is enjoying the concession

of bail, his plea for bail may also be considered. Moreover, petitioner is ready to join the investigation and fully cooperate if protected from arrest by this Court. Thus, counsel prays for grant of anticipatory bail to the petitioner in the present case.

6. Order dated 19.11.2025 passed by learned Additional Sessions Judge, Amritsar, is reproduced below:-

“The report from the Jail Superintendent, Central Jail, Goindwal Sahib, Tarn Taran received, as per which, Harmanjeet Singh alias Harman (i.e. applicant/accused) alongwith co-accused Ritik were lodged in the aforesaid FIR in Central Jail, Sri Goindwal Sahib. Later on, release order dated 25.08.2025 qua co-accused Ritik Malhotra was received from the Court of Dr.Prabhjot Kaur, learned JMIC, Amritsar, vide letter bearing No.913 dated 25.08.2025. But while releasing coaccused Ritik Malhotra, Harmanjeet Singh alias Harman was also released from the jail due to negligence of the jail official/Head Warder Rajesh Kumar, No.1172. A preliminary inquiry was got conducted from Narpinder Singh, Deputy Superintendent, Central Jail, Sri Goindwal Sahib, wherein, it is stated that Head Warder/Warrant Officer Rajesh Kumar could not properly understand the release order of accused Ritik Malhotra and out of inadvertence, he released the Harmanjeet Singh alias Harman alongwith co-accused Ritik Malhotra. Alongwith Head Warder Rajesh Kumar, the warrant officer Sarabjit Singh, Assistant Superintendent, Central Jail, Sri Goindwal Sahib, is also responsible as the order of release of accused Ritik Malhotra was also put up before him. It is further submitted that letter has already been written to Additional Director General of Police (Jail), Punjab, Chandigarh, to initiate the disciplinary proceedings against these jail officials. Alongwith the report of Superintendent, the aforesaid letter as well as the copy of report of preliminary inquiry are also attached.

So in these circumstances, it is evident that the Harmanjeet Singh alias Harman has not been released from the jail as per order of any Court, rather he has been released alongwith co-accused Ritik Malhotra due to the negligence of the jail officials as submitted

in the report of the Jail Superintendent. Therefore, Harmanjeet Singh alias Harman cannot seek the concession of anticipatory bail by way of present application, once he has been arrested and lodged in the jail, but came out of jail due to serious lapses on the part of the jail officials. The proper course for Harmanjeet Singh alias Harman is to surrender before the Court concerned and thereafter, to seek regular bail. Accordingly, the present application is not legally maintainable and is hereby dismissed. Papers be consigned to the Record Room.”

7. This Court has heard the submissions advanced by counsel for the parties and perused the record available before it, and finds no merit in the contentions raised by the petitioner, as he appears to seek the concession of anticipatory bail in order to perpetuate the inadvertent mistake of the jail authorities.

8. Moreover, present petition for anticipatory bail is not maintainable, as the petitioner, having already been arrested in the present case, and is in confinement.

9. Therefore, this Court deems it appropriate to direct the petitioner to surrender before the concerned jail authorities or the trial court expeditiously, preferably within a period of three days.

10. Accordingly, in view of the direction passed here above, present petition stands disposed of.

11.03.2026

Lavisha

(SANJAY VASHISTH)

JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>