



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-25599 of 2026

Date of Decision: 18.05.2026

Gurwinder Singh alias Guri

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Puneet Bali, Advocate
for the petitioner(s).

Mr. Eklavya Darshi, Deputy Advocate General,
Punjab, for the respondent.

Surya Partap Singh, J.

1. This petition for anticipatory bail is the first petition filed by the petitioner under Section 482 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No. 06 dated 10.01.2026, for the commission of offence punishable under Section(s) 111 & 112 [Section(s) 113(3) and 152 added later on] of 'the Bharatiya Nyaya Sanhita, 2023', Section(s) 21 [Section(s) 29 added later on] of 'the Narcotic Drugs and Psychotropic Substances Act, 1985, Section 25 of the Arms Act, 1959 [Section 5 of the Official Secrets Act, 1923 was added later on], Police Station Barnala, District Barnala, Punjab.

2. Vide order dated 07.05.2026, the petitioner was admitted to interim anticipatory bail, subject to the condition of furnishing bonds to the satisfaction of arresting officer. It was also directed that the petitioner shall

3. The learned State Counsel has filed status report. The same be taken on record.

4. Heard.

5. It has been submitted by learned counsel for the petitioner that in compliance with order dated 07.05.2026, the petitioner has already joined the investigation, and that nothing has been left to be recovered from the possession of petitioner. In view of above, the learned counsel for the petitioner has requested that the order dated 07.05.2026 be made absolute.

6. The learned State counsel, on the instructions of 'ASI Jagdeep Singh', has submitted that the petitioner has joined investigation, but in view of serious allegations against the petitioner, whose name figures in the FIR, his custodial interrogation is required to collect the evidence. It has been contended by the learned State counsel that the name of petitioner in the FIR has been mentioned on the basis of secret information, and that the co-accused, namely 'Sarj Singh' had suffered a disclosure statement, wherein he has nominated the petitioner by stating that the petitioner was the supplier of the contraband.

7. The record has been perused carefully.

8. With regard to fact-situation of this case and the above mentioned arguments, following are the relevant factors which are supposed to be taken into consideration:-

- i) that the petitioner has already joined the investigation;
- ii) that the petitioner has clean antecedents;
- iii) that the only evidence, collected by the investigating agency against the petitioner is the secret information and

disclosure statement of co-accused of the petitioner, and there is a question mark with regard to credibility & admissibility of above-mentioned statement in evidence, as the same was recorded when the co-accused was in police custody. Since pursuant to above-mentioned disclosure statement recovery of any incriminating material or discovery of fact has not taken place, *prima facie* the above-mentioned statement appears to be hit by Section-23 of Bharatiya Sakshya Adhiniyam;

- iv) that the investigation and trial are not likely to be concluded in near future;
- v) that nothing has been left to be recovered from the possession of petitioner;
- vi) that the detention of petitioner in judicial lock-up is not likely to serve any purpose;
- vii) that custodial interrogation of the petitioner is not likely to produce a fruitful result;
- viii) that there is nothing on record to show that while on anticipatory bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- ix) that there is nothing on record to show that while on anticipatory bail, the petitioner will not participate/cooperate in the investigation.

9. Keeping in view the aforesaid submissions and the fact that the petitioner has already joined the investigation, it is hereby ordered that the

petitioner is entitled to anticipatory bail. Hence, the present petition is hereby **allowed** and the order dated 07.05.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, is hereby made absolute.

(Surya Partap Singh)
Judge

May 18, 2026
“DK”

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