

**CRM-M-34835-2026****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****115****CRM-M-34835-2026****Date of Decision :26.06.2026****Sahil Kumar****...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Nitin Bhanwala, Advocate for the petitioner.

Mr. Rahul Dev. Addl. A.G. Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita 2023 (hereinafter referred to as 'BNSS') for the grant of benefit of anticipatory bail to the petitioner in respect of FIR No.0313 dated 04.11.2024 registered under Section 25 of the Arms Act, 1959 at Police Station Barauda, District Sonapat (Annexure P/1).

2. Learned counsel for the petitioner submits that the allegations alleged against the petitioner is of creating an account on Instagram and reflecting an illegal weapon on the same is incorrect as the said account was created when the petitioner was in judicial custody and hence, recovery of said illegal weapon being attributed to the petitioner for which custodial interrogation of the petitioner is sought, has not been appreciated correctly by the trial Court while dismissing the application filed by the petitioner for the grant of benefit of anticipatory bail vide order dated 02.06.2026 (Annexure P/4).

3. Learned counsel for the petitioner further submits that the petitioner is ready to join the investigation process and will cooperate in concluding said

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process and therefore, he may kindly be granted benefit of anticipatory bail.

4. Learned State counsel keeping in view the advance copy served, submits that an account was created on Instagram by one Ankit on the instructions of the petitioner and the photograph of the illegal weapon which has been uploaded on said platform, were likely to be used in various incidents which needs to be recovered so as to investigate the issue properly. Learned State counsel further submits that the petitioner is also involved in seven other cases out of which, three cases pertain to attempt to murder and one relates to murder of the victim.

5. Learned State counsel submits that keeping in view the antecedents of the petitioner coupled with the facts which have been disclosed in the investigation process, the custodial interrogation of the petitioner is very pertinent to find out the illegal weapon photograph of which was uploaded on the Instagram account of the petitioner.

6. Learned counsel for the petitioner submits that once, it is clear that at the time of creation of account on Instagram, the petitioner was in judicial custody and according to the Jail Manuals, the petitioner is not allowed to talk anybody except for his family members hence, giving instructions to said Ankit is otherwise belied.

7. I have heard learned counsel for the parties and have gone through the record with their able assistance.

8. It may be noticed that the fact that photograph of the weapon in question has been reflected on the Instagram account of the petitioner is not disputed. The question which arises now for consideration, is whether the same was created by Ankit of his own will or same was done on the instructions of the petitioner.

9. Once, the photograph of the illegal weapon has been reflected on the

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Instagram account belonging to the petitioner and the investigation done on said issue has already revealed that the same was created by one Ankit at the asking of the petitioner while in custody and the weapon photograph of which has been uploaded are believed to have been used in commission of other crime, the custodial interrogation of the petitioner for recovery of said weapon is very necessary.

10. Further, it has also come on record that the petitioner is also facing three other cases relating to attempt to murder and one case pertaining to murder by the use of firearms hence, the custodial interrogation of the petitioner is necessary to find out the illegal weapon, photograph of which weapon was uploaded on the Instagram account belonging of the petitioner. Further, the said illegal weapon can be used against the general public in case the investigation is not done properly so as to recover the same.

7. Further, as per the settled principle of law settled by the Hon'ble Supreme Court of India in case titled as **Adri Dharam Das vs. State of West Bengal, AIR 2005 SC 7057**, the custodial interrogation of the accused is necessary. Relevant paragraph of the said judgment is as under:-

“Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance to maintain law and order in the locality. For these or other reasons, arrest may become inevitable part of the process of investigation. The legality of the proposed arrest cannot

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be gone into in an application under [Section 438](#) of the Code. The role of the investigator is well-defined and the jurisdictional scope of interference by the Court in the process of investigation is limited. The Court ordinarily will not interfere with the investigation of a crime or with the arrest of accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under [Section 438](#) of the Code will amount to interference in the investigation, which cannot, at any rate, be done under [Section 438](#) of the Code.

8. Qua the argument of the learned counsel for the petitioner that the said Ankit has been granted the benefit of regular bail, it may be noticed that the grant of regular bail falls in a different status as compared to the grant of benefit of anticipatory bail.

9. Keeping in view the above, no ground for the grant of benefit of anticipatory bail to the petitioner is made out and the present petition is accordingly dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

June 26, 2026

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Whether speaking/reasoned : Yes

Whether reportable : No