

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

2026:PHHC:042860



105

CRM-M-55107-2025 (O&M)  
Date of decision: 18.03.2026

Sunny @ Lishiki

... Petitioner

Vs.

State of Punjab

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Raghav Soni, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

...

**Manisha Batra, J. (Oral).**

1. The instant petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail to the petitioner in case arising out of FIR No.126, dated 28.10.2023, registered under Sections 379(B) and 336 of IPC and Section 25 of the Arms Act (vide rapat No.25 dated 11.04.2024 Section 25 of the Arms Act was deleted and 27 of the Arms Act and Section 511 IPC were added), at Police Station Kathunangal, District Amritsar Rural.

2. As per the allegations, on 28.10.2023, the complainant – Gursewak Singh along with his cousin Sehajpreet Singh was going on a cycle cart to pick DAP fertilizer from Chachowali society and while on the way, they were intercepted by five youths, who came riding on two bikes.

The faces of most of them were covered. By showing pistols, two of them

demanded their cell phones and started conducting their search. They raised alarm, on hearing which some co-villagers reached there and then two of them fired three shots in the air and fled away from the spot. By alleging that he had come to know later that those youths had snatched cell phone of one Rajbir Singh, he prayed for taking action in the matter.

3. After registration of the FIR, investigation proceedings were initiated. Offence under Section 336 IPC was added. The complainant recorded his supplementary statement on 18.11.2023 on the basis of which accused Navdeep Singh @ Ghulla was nominated as accused. He was arrested on 18.01.2024. On the basis of his disclosure statement, the present petitioner along with co-accused Golden @ Sukhu , Lovely and Bobby were nominated as such. The above named Rajbir Singh also recorded his statement about snatching his cell phone by 05 youths. The snatched phone had already been recovered by the police in another case bearing FIR No.143 dated 28.12.2023. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail, which has been dismissed by the Court of learned Additional Sessions Judge, Amritsar vide order dated 03.12.2024.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of co-accused, which cannot be considered to be admissible in evidence. He was not named in the FIR. No mobile phone of the complainant was snatched and the mobile phone of one Rajbir Singh has already been recovered in some other case. He is ready to join the investigation. No recovery is to be effected from him. His custodial interrogation is not

required. It is, thus, argued that the petition deserves to be allowed.

5. Per contra, learned State counsel has argued that for the purpose of conducting thorough and proper investigation in the matter, custodial interrogation of the petitioner is required. It is, thus, stressed that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. The petitioner along with co-accused is alleged to have made an attempt to snatch the mobile phone of the complainant and is further alleged to have snatched mobile phone of one Rajbir Singh, whose statement was recorded subsequent to lodging of the FIR. As per the status report, the said mobile phone already stands recovered in some other case. He has been nominated on the basis of disclosure statement of co-accused and it is on thorough assessment of the evidence to be produced during trial that as to whether he is involved in the commission of subject offence or not?

8. Given the nature of the allegations as levelled against the petitioner and the circumstances peculiar to the case, this Court is of the considered opinion that no case for pre-trial incarceration of the petitioner is made out. It is well settled proposition of law that pre-trial incarceration should not be a replica of post conviction sentencing. Taking into consideration all these facts, the petition is allowed and the petitioner is ordered to be released on bail, subject to the condition that the petitioner shall surrender before the Investigating Officer/Arresting Officer within a period of 10 days from today and shall join the investigation. He shall also join investigation as and when required subsequently. In the event of his

arrest, the Investigating/Arresting Officer shall release the petitioner on bail on furnishing personal as well surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNS.

9. It is, however, clarified that nothing stated above shall have any bearing on the merits of the case.
10. Pending application(s), if any, shall also stands disposed of.

18.03.2026

*harjeet*

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

(MANISHA BATRA)  
JUDGE