

**CRM-M-56149-2025(O&M) and other connected cases****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****116****CRM-M-56149-2025**

Amritpal Singh alias Kaka

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

116-2**CRM-M-3288-2026**

Sahil Mattu

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

116-3**CRM-M-3645-2026**

Sahib Singh @ Sujal Mattu @ Sabu @ Suraj

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

Decided on :06.04.2026**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Sandeep Wadhwa, Advocate for the petitioner
(through video conferencing)
(in CRM-M-56149-2025).

Mr. Raghav Soni, Advocate for the petitioner
(in CRM-M-3288-2026)

Mr. Umesh Aggarwal, Advocate for the petitioner
(in CRM-M-3645-2026).

Mr. Deepender Singh, Addl. A.G, Punjab.

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SANJAY VASHISTH, J. (Oral)

1. By way of this common order, all the aforementioned petitions are being disposed of.

2. CRM-M-56149-2025 has been filed by petitioner-Amritpal Singh @ Kaka seeking regular bail in case FIR No.163 dated 29.06.2025 under Sections 310(4), 310(5) of BNS and Section 25 of Arms Act and

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Section 238 of BNS (added lateron), registered at Police Station Gate Hakima, Amritsar City, Police Commissionerate, Amritsar.

CRM-M-3288-2026 has been filed by petitioner-Sahil Mattu seeking regular bail in case FIR No.163 dated 29.06.2025 under Sections 310(4), 310(5) of BNS and Section 25/54/59 of Arms Act, registered at Police Station Gate Hakima, Amritsar City, Police Commissionerate, Amritsar.

CRM-M-3645-2026 has been filed by petitioner-Sahib Singh @ Sujal Mattu @ Sabu @ Suraj seeking regular bail in case FIR No.163 dated 29.06.2025 under Sections 310(4), 310(5) of BNS and Section 25/54/59 of Arms Act (Section 238 of BNS added lateron), registered at Police Station Gate Hakima, Amritsar City, Police Commissionerate, Amritsar.

3. In CRM-M-56149-2025, on 09.01.2026, following was recorded:

“i) Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking regular bail in FIR No. 163 dated 29.06.2025, registered under Sections 310(4) and 310(5) of the Bharatiya Nyaya Sanhita, 2023 (Sections 25 of the Arms Act, 1959 and Section 238 of the BNS were added subsequently), at Police Station Gate Hakima, Amritsar City, Police Commissionerate, Amritsar.

ii) As per the allegations in the FIR, police party received secret information that accused, namely (i) Amritpal Singh @ Kaka (petitioner), (ii) Harmanjit Singh @ Harman, (iii) Sahil Mattu, (iv) Sahib Singh @ Sabu @ Suraj, and (v) Karandeep Singh @ Karan, had formed a gang and were allegedly preparing to commit robbery while being armed with deadly

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weapons in the area falling within the jurisdiction of Police Station Gate Hakima. On the basis of the said information, which was stated to be reliable, FIR was registered even prior to conducting any raid.

iii) Learned counsel for the petitioner submits that subsequent to the registration of the FIR, raid was shown to have been conducted, during which one country-made .32 bore pistol along with two live cartridges was allegedly recovered from co-accused Sahil Mattu, a small kirpan with wooden handle from accused-Harmanjit Singh @ Harman, and a datar with wooden handle from the possession of the present petitioner.

iii) Learned counsel for the petitioner further submits that one of the co-accused, namely Karandeep Singh @ Karan, who could not be apprehended during the alleged raid, has already been granted the concession of anticipatory bail by this Court vide order dated 01.09.2025 passed in CRM-M-41235-2025 (P-2). Learned counsel submits that petitioner is in custody since 29.06.2025 and, on the principle of parity, also deserves the concession of regular bail.

iv) On the other hand, learned State counsel opposes the petition on the ground that petitioner is an antisocial element and that datar has been recovered from his possession.

However, upon specific query by this Court, learned State counsel fairly concedes that petitioner, who is aged about 19 years, is not involved in any other criminal case nor has he been found indulging in any similar activity in the past.

v) This Court finds it difficult to draw any prima facie inference from the allegations and the nature of recovery so as to justify the implication of the petitioner for the offences punishable under Sections 310(4), 310(5) and 238 of the BNS and Section 25 of the Arms Act. Notably, FIR itself came to be registered solely on the basis of secret information, even before conducting any raid, and the only recovery attributed to the

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petitioner is that of a datar, which, at least at the first instance, is an agricultural implement.

vi) Further, the petitioner is a young boy of 19 years, without any prior involvement in criminal activity, with his entire future ahead of him. The manner in which the investigating agency has proceeded in the present case raises serious concerns.

This Court is constrained to remind itself of the Britishers' era, when the police, acting as an instrument of colonial rule, often implicated persons arbitrarily on the basis of mere allegations or alleged receipt of information, without any meaningful verification. In the present time, such practices would be antithetical to personal liberty, being it wholly impermissible in a sovereign and democratic republic governed by the Constitution and the rule of law. The criminal justice system cannot be permitted to regress to such methods, particularly when the liberty and future of young citizens are at stake and that too at the hands of State Police, who in any case is bound to protect citizen of State, from all kind of atrocities.

Therefore, it is necessary to examine as to on what basis the Investigating Officer registered the FIR without first conducting any raid or doing verification of information by recording satisfaction. It is surprising that merely on the basis of recovery of a datar, petitioner has been implicated in such serious offences.

vi) Let a copy of this order be forwarded to the Director General of Police, Punjab, to look into the matter and examine as to how cases of this nature are being registered in the State of Punjab, particularly involving young boys of the age group of 18–20 years, so that unwarranted criminal prosecution does not result in destruction of their future.

vii) List on 09.02.2026.

viii) Meanwhile, petitioner is ordered to be released on interim bail, subject to his furnishing bail/surety bonds to the satisfaction

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of learned trial Court/Area Magistrate/Duty Magistrate/Cheif Judicial Magistrate concerned.

ix) To be shown in the urgent list.”

4. On 09.02.2026, learned State counsel submitted that the concern expressed by this Court had been taken note of by the competent authorities at the higher level in the State, and that deliberations regarding the subject matter were still in progress. Learned State counsel accordingly sought an adjournment.

5. Thereafter, on 17.03.2026, when the matter came up for hearing, learned State counsel submitted that a circular dated 06.02.2026 had already been issued in the State of Punjab by the office of the DGP Punjab to all District Offices, conveying the concern of this Court and directing them to exercise caution in the future.

6. However, this Court was not satisfied with such circulation alone, unless a final decision is taken and appropriate directions are issued, along with the consequences in the event of violation of such instructions by any investigating officer or police official. For this purpose, the proceedings were deferred to 06.04.2026 (i.e., today).

7. In compliance of the orders dated 09.01.2026 and 17.03.2026 today learned State counsel has filed affidavit of Vikas Sabharwal, PPS, Assistant Inspector General of Police, Investigation (Litigation), Bureau of Investigation, Punjab, Chandigarh alongwith circular order No.13 dated 03.04.2026, in Court today. Same is taken on record. Registry is directed to tag the same at appropriate place with the paper-book. Paragraph No.7 and 8 of said circular reads as under:

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“7. In the present matter, Hon'ble High Court has expressed concern regarding involvement young boys of the age group of 18-20 years so that unwarranted criminal prosecution does not result in destruction of their future.

8. In view of concern expressed by Hon'ble High Court regarding involvement of young boys of the age group of 18-20 years, all the heads of the field units are directed to sensitize all SHOs and Investigating Officers (IOs) to adhere to the following guidelines: -

- i. Any coercive action against such individual(s) with clean antecedent should be taken only on the basis of clear and unambiguous evidence available on record.*
- ii. Arrest shall strictly conform to the principles laid down in case of Arnesh Kumar versus State of Bihar, which mandates that police cannot arrest simply because an offence is cognizable.*
- iii The IO shall justify the necessity of an arrest by recording reasons, particularly in cases punishable with imprisonment up to seven years.*
- iv. Procedure provided in Section 35 of BNSS, 2023 to issue notice shall be preferred to secure cooperation of such individual(s). If a person complies with the notice to appear, arrest is generally deemed unnecessary.*
- v. No such individual shall be nominated as an accused solely on the basis of disclosure statement of co-accused without independent corroboration. Disclosure statement in absence of any corroborative evidence is a weak type of evidence. Effort shall be made to collect material evidence connecting their association with main/other co-accused like calls on mobile/Whatsapp, messages on mobile/Whatsapp or any other mode of communication, their locations at the time of commission of offences, or any other corroborative evidence.*
- vi. The IO shall verify and document the absence of criminal antecedents prior to making arrest or initiating search or seizure of such individual.*

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- vii. The identity of such individuals shall not be disclosed to the media except where legally required or mandated by law.*
- viii. Educational institutions or employers shall not be informed of the investigation unless required by law or under specific court directions.*
- ix. Seizure of personal electronic devices shall be restricted to necessary data extraction, and devices shall be returned promptly after following due procedure to avoid disruption of academic or professional activities.*
- x. The IO shall ensure that academic continuity is not unnecessarily disrupted. Appearance at Police Station shall be scheduled at reasonable intervals.*
- xi. Invocation of penal provisions must be supported by clear and objective material available on record.*
- xii. All such cases shall be subject to periodic supervisory review by head of the field unit to ensure fairness in investigation.*
- xiii. Where, upon review, evidence remains insufficient, appropriate steps should be taken for deletion of name or closure of the case, without delay.*
- xiv. The case diary shall reflect due consideration of age, background, and absence of antecedents while recording investigative decisions.*
- xv. Custodial interrogation is necessitated to ascertain the nature and gravity of allegations against such individual. If such individual cooperates with the investigation and evidence is documented, custodial interrogation may be deemed unnecessary. Reasons should be recorded justifying necessity of custodial interrogation.*
- xvi. Investigation shall adhere to the mandate of fair, just, and reasonable procedure under Article 21 of the Constitution.*
- xvii. Any alleged non-cooperation must be documented and recorded in Case Diaries before taking coercive measures against such individual(s).”*

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8. Learned State counsel submits that, in future, all due care in such cases will be exercised by the concerned Investigating Officer, and there will be thorough compliance with the observations made by this Court in the order dated 09.01.2026.

9. I have considered the submissions addressed by learned counsel for the parties and have also gone through paragraph Nos. 7 and 8 of the circular. These paragraphs emphasize that an individual of tender age shall not be nominated as an accused solely on the basis of a disclosure statement of a co-accused, without any independent corroboration.

10. While disposing of the aforesaid petitions, this Court expects that the State authorities will ensure that Investigating Officers are sensitized to the principle that FIRs should not be directly registered against young boys aged 18–20 years solely on the basis of secret information, especially in cases where the offence is alleged to have been committed only after the recovery of dangerous weapons. Proper verification and adherence to procedure must precede registration of such FIRs.

11. In view of the above, prayer made in the present petitions is accordingly allowed. Interim bail granted to the petitioners vide orders dated **09.01.2026** (passed in CRM-M-56149-2025) and **09.02.2026** (passed in CRM-M-56149-2025 and other connected cases) passed by this Court are hereby made absolute. Petitioners are ordered to be released on regular bail upon furnishing **fresh** bail/surety bonds to the satisfaction of

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the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

12. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

13. Petitions stand disposed of.

14. Let a copy of this order be forwarded to the Director General of Police, Punjab, through the respondent/State.

15. A photocopy of this order be placed on the files of other connected cases.

(SANJAY VASHISTH)
JUDGE

06.04.2026***Rashmi***

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*