



In the High Court for the States of Punjab and Haryana at Chandigarh

101

CRM-M-63689-2025 (O&M)
Date of Decision:- 13.02.2026

Amritpal Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. A.S. Shergill, Advocate for the petitioner.

SUBHAS MEHLA, J. (Oral)

CRM-6119-2026

In view of the reasons mentioned in the application, the same is allowed and the hearing of the main petition is preponed from 24.02.2026 and the same is taken on board today itself.

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1. The instant petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, has been filed for grant of anticipatory bail to the petitioner in case FIR No.0117 dated 24.09.2025, registered under Sections 109, 3(5) of BNS and Sections 25, 27, 54 and 59 of Arms Act, 1954, at Police Station Majitha, District Amritsar Rural.
2. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the present case on the basis of the disclosure statement made by co-accused Gurjit Singh @ Billa, and that the recovery of the pistol was also effected from said co-accused. It is further contended that



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(2)

petitioner has not been named in the FIR, and has clean and clear antecedents; and the gunshot was not fired by the present petitioner, and weapon used in offence has already been recovered. Custodial interrogation of the petitioner is not required for any purpose. Learned counsel for the petitioner drew the attention of the Court to page 3 & 4 of the reply dated 04.12.2025 filed by the State, wherein it is stated that disclosure statement of co-accused Gurjit Singh (co-accused, who nominated the present petitioner) was recorded on 27.09.2025, however, the petitioner was nominated as accused vide GD No.13 dated 25.09.02025, i.e. 2 days before disclosure statement of co-accused Gurjit Singh. Hence prayed for bail to the present petitioner.

3. Short reply dated 04.12.2025 filed by way of an affidavit of Sh. Dharminder Kalyan, PPS, Deputy Superintendent of Police, Sub Division Majitha, Amritsar (Rural) is taken on record.

4. Learned State counsel opposed the prayer made by learned counsel for the petitioner by submitting that as per the disclosure statement of co-accused Gurjit Singh @ Billa, the allegations against the petitioner are serious in nature, as gunshots were fired at the complainant/injured with a pistol, resulting in bullet injuries. It is contended that the petitioner is required for custodial interrogation to collect evidence for the successful prosecution of the case. It is further submitted that the date referred to by counsel for the petitioner is a typographical error.

5. Heard.

6. Keeping in view the facts of the present case and contentions of learned counsel for the parties, considering the role attributed to the petitioner



that he along with co-accused had the common intention, and gunshots were fired at the complainant, custodial interrogation of the petitioner is required to collect evidence for the successful prosecution and to ascertain the true facts of the case, this Court finds no merit in the present petition.

7. While granting the relief of anticipatory bail, the Court is required to look beyond the offence in isolation and take into account the surrounding circumstances, including the impact of the crime on society, the likely effect of the grant of anticipatory bail on the societal interest, and the possibility of the accused indulging in similar illegal activities or otherwise impeding a fair investigation or the progress of the trial.

8. Anticipatory bail is an extraordinary relief, to be granted sparingly, only in exceptional cases deserving of the concession. The grant of such relief becomes even more circumscribed in cases involving serious offences as those alleged in the present case, especially where there is a grave apprehension or propensity of the applicant/petitioner to interfere with the course of law and prosecution of the case, either by committing similar offences, or threatening or influencing the witnesses. One of the cardinal principles in the administration of justice is, '*justice should not only be done, but also seem to be done*'; accordingly, release of the petitioner is in the present case is not warranted considering the peculiar facts of the case. Recently, Hon'ble Apex Court in ***Srikant Upadhyay v. State of Bihar, 2024 INSC 202***, has made the following observation with regard to concession of Anticipatory Bail:-

"We have already held that the power to grant anticipatory bail is an extraordinary power. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of



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imagination, be said that anticipatory bail is the rule.... While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence.”

9. Moreover, as the investigation is still on-going, custodial interrogation of the present petitioner is necessary for effecting a proper and in-depth investigation in the case. Hon’ble Apex Court in ***State Represented by the C.B.I. v. Anil Sharma, 1997(7) SCC 187***, emphasized the importance of custodial interrogation by holding that useful information and concealed materials may be elicited from a suspect in custody, than a suspect who is well-protected by anticipatory bail, wherein interrogation may be reduced to a mere ritual.

10. In view of the above, this Court finds no ground to grant anticipatory bail to the petitioner and the present petition stands dismissed.

11. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court on the merits of the case.

13.02.2026
Geeta

(SUBHAS MEHLA)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No