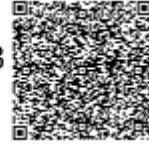


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:042048



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CRM-M-66090-2025 (O&M)

Date of decision: 17.03.2026

Jasmel Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Satinder Kaur, Advocate and
Ms. Parneet Kaur Pawar, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. This is a petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail to the petitioner in case arising out of FIR No.291, dated 06.11.2025, registered under Section 303(2) of the BNS and Section 25 of the Arms Act, at Police Station Dharamkot, District Moga.

2. The aforementioned FIR was registered on the allegations that on 06.11.2025, a secret information was received to the effect that one .32 bore revolver belonging to one Karaj Singh R/o village Baje Ke was stolen a few days back by the present petitioner and co-accused Baljinder Singh @ Bunty and they were in possession of the same. It was informed that the said revolver could be recovered from them. Believing the secret information to

be true, *ruqa* was sent to the police station. The FIR was registered. 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, Moga vide order dated 17.11.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is an Ex. Army Personnel and is involved in social welfare activities. He is also affiliated with Shiromani Akali Dal party. On account of his political affiliation, his family members and he himself had continuously harassed by the village Sarpanch and his associates through police. A writ petition has been filed by him qua his harassment and to exert pressure upon him. The police had falsely implicated him in this case. He infact is one of the relative of Karaj Singh and had borrowed a revolver from him to attend a marriage ceremony. The said weapon had been lost and on making report by Karaj Singh, a DDR was entered. A friend of Karaj Singh had found the lost revolver but he refused to receive the same. It was handed over to one Gopi Singh, relative of Karaj Singh, who has died in an accident thereafter. There is video recording showing one person handing over revolver of Karaj Singh to Gopi Singh. By distorting the fact, FIR was registered against him. 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.

4. Status report has been filed. Though, in this report, it is submitted that the petitioner was declared a proclaimed person vide order dated 29.01.2016 and had been arrested on 24.06.2023. However, the plea so

taken apparently appears to be wrong. Learned State counsel after seeking time for instructions, has placed on record a photocopy of the written explanation submitted on behalf of the deponent, i.e. DSP, Police Station Dharamkot. In the said explanation, it has been stated that an inadvertent typographical error occurred, whereby it was wrongly mentioned that the petitioner had been declared a proclaimed person and had been arrested. Apology has been tendered in this regard. Learned State counsel has very fairly conceded that the recovery of the weapon in question has already been effected from the co-accused, Baljinder Singh @ Bunty. The explanation so furnished is taken on record. He has further argued that for conducting thorough investigation in the matter, custodial interrogation of the petitioner is required and has urged that the petition does not deserve to be allowed.

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

6. The petitioner is alleged to have committed theft of some firearm belonging to one Karaj Singh. Interestingly and strangely, the said Karaj Singh is not shown to have lodged any FIR for this purpose nor he is shown to have come forward even after registration of the FIR naming the petitioner as accused. Though, it is mentioned that one DDR had been recorded on the basis of information furnished by Karaj Singh in the past but no such document has been placed on record to establish so by the respondent/State. The recovery of weapon already stands effected from co-accused Baljinder Singh @ Bunty.

7. Given the nature of the allegations as levelled in the FIR 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.

8. It is, however, clarified that nothing stated above shall have any bearing on the merits of the case.

9. Since the deponent of the status report furnished by way of affidavit appears to have committed an act of negligence in signing the report without going through the contents of the same and by making wrong submissions therein, thereby misleading this Court and wasting its time, therefore, a copy of this order be sent to the concerned Superintendent of Police to initiate proper action against the deponent and to send an action taken report within a period of 1½ months from today.

10. Pending application(s), if any, shall also stands disposed of.

(MANISHA BATRA)
JUDGE

17.03.2026

harjeet

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