

**In the High Court of Punjab and Haryana, at Chandigarh****Criminal Misc. No. M-69516 of 2025****Date of Decision: 05.03.2026**

Awinash Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Gagandeep Singh Bajwa, Advocate
for the petitioner(s).

Mr. Eklavya Darshi, Deputy Advocate General,
Punjab, for the respondent.

Surya Partap Singh, J.

1. This petition for pre-arrest bail is the first petition filed by the petitioner under Section 482 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No. 91 dated 24.10.2025, for the commission of offence punishable under Section(s) 305(a), 331(4) [Section 317(2) added later on] of 'the Bharatiya Nyaya Sanhita, 2023' Police Station E-Division, District Amritsar, Punjab.

2. Heard.

3. It has been contended by learned counsel for the petitioner that that the petitioner has joined investigation and for further investigation of the case, his custodial interrogation is not required.

4. The learned State counsel has controverted the above-mentioned arguments. It has been contended by the learned State counsel, on

instructions from ASI Kulbir Singh, that the recovery of money has not been effected and for that purpose custodial interrogation of the petitioner is necessary.

5. The record has been perused carefully.

6. A perusal of the record shows that there are several factors which are required to be taken into consideration at this stage. Those factors are:-

- i) that the petitioner cannot be forced to facilitate the collection of evidence against himself;
- ii) that the offence is triable by the Court of Judicial Magistrate;
- iii) that the maximum sentences prescribed for the offence is imprisonment for seven years;
- iv) that the petitioner has no criminal antecedents;
- v) that the only evidence collected by the Investigating Officer, so far, is the disclosure statements of co-accused, whose disclosure statements were recorded when they were in police custody;
- vi) that the investigation and trial of the case are not likely to be concluded in near future;
- vii) that custodial interrogation of the petitioner is not likely to serve any purpose;
- viii) that there is nothing on record to show that if released on anticipatory bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and

ix) that there is nothing on record to show that if released on anticipatory bail, the petitioner will not participate/cooperate in the trial.

7. In view of the above-mentioned observations, the order dated 08.01.2026, whereby the benefit of interim anticipatory bail was accorded to the petitioner, is hereby made absolute. The present petition stands **allowed**, accordingly.

(Surya Partap Singh)
Judge

March 05, 2026
“DK”

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