

2026.PHHC:047005



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

105

CRM-M-72516-2025 (O&M)

Date of decision: 25.03.2026

RAMESH SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Kuldip Singh, Advocate, for the petitioner.
Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 482 BNSS for grant of anticipatory bail to the petitioner in case FIR No.233 dated 11.09.2025, registered under Section 25 of Arms Act (Sections 25(1)(a), 25(1-A), 25(7) of Arms Act added later on vide Rapat No.32 dated 12.09.2025 and Section 113(a)(v) BNS added later on), at Police Station Sadar Fazilka, District Fazilka.
2. The relevant part of the above-mentioned FIR is reproduced herein below:

“...When the police party while doing patrolling, reached the bus stand Teh Qalandar, then the secret informant came to me and informed me that Gurvinder Singh @ Gindu son of Gurcharan Singh son of Joginder singh resident of Chok Dipulana and Sona Singh son of Raj Singh son of Bhagat Singh resident of Dhani Mahinder Singh, mahatam nagar, who are engaged in smuggling of illegal weapons from Pakistan, who by taking advantage of the floods, are bringing illegal weapons from Pakistan. That even today, they are going on their unregistered motorcycles from Mahatam Nagar via Then Qalandar to Chok Dipulana for selling the weapons. If a checkpoint is set up on the way, a large quantity of weapons could be recovered from them. Then act done by above mentioned Gurvinder Singh @ Gindu and Sona Singh, fulfills

the crime committed by them under the provisions of Section 25-54-59 of Arms Act. The information on being solid and reliable, the ruqa against Gurbinder Singh @ Gindu son of Gurcharan Singh son of Joginder Singh resident of Chok Dipulana and Sona Singh son of Raj Singh son of Bhagat Singh resident of Dhani Mahinder Singh is being sent after writing the said ruqa to CT...”

3. Learned counsel submits that the petitioner has only been implicated on the basis of disclosure statements of co-accused-Sona Singh and Gurwinder Singh @ Gurbinder Singh @ Gindu, with whom he does not have a remote connection. Moreover, no recovery was also effected from him. He, thus, prays for grant of anticipatory bail.

4. Learned State counsel, while opposing the present petition, has categorically stated that as per the call records appended with the status report dated 14.03.2026, as Annexure R1, the petitioner was in constant touch with co-accused Sona Singh, Gurbinder Singh, Ramandeep Singh, Gagandeep Singh, Amandeep Singh and is involved in smuggling of 16 pistols, 38 magazines, 1847 cartridges from Pakistan, across the border. Moreover, despite directions, he has not co-operated with the investigation. In order to ascertain the *modus operandi*, his custodial interrogation is imperative and there are concerns that he may also influence the witnesses or tamper with evidence.

5. Heard.

6. It would be apposite to refer to the relevant paras of the status report dated 14.03.2026 filed by way of affidavit of Deputy Superintendent of Police, (Detective), Fazilka, which read thus:

“5. That during the investigation, Co-accused Sona Singh and Gurwinder Singh @ Gurbinder Singh @ Gindu recorded their disclosure statements and the roles of petitioner Ramesh Singh, Om Singh, Gagandeep Singh, Ramandeep Singh and Amandeep Singh were surfaced in the present FIR.

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7. That it is pertinent to mention here that the present petitioner joined the investigation on 05.01.2026 as per the directions of this Hon'ble Court, but the petitioner is not cooperating with investigating agency. That during the police interrogation, present petitioner Ramesh Singh stated that he doesn't know the whereabouts of other co-accused. However, from the call record of the present petitioner, it is evident that he is in regular contact with other co-accused namely Sona Singh, Gurbinder Singh, Ramandeep Singh, Gagandeep Singh and Amandeep Singh which is as evident in Annexure R-1. The custodial interrogation of the petitioner is required for the proper investigation of the case.

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10. ROLE OF THE PETITIONER

That the role of the petitioner is that the present petitioner is involved in the business of smuggling of arms and ammunition. The petitioner is actively participating in cross-border smuggling alongwith other co-accused. The petitioner is having connection with smugglers of Pakistan and used to connect with them. The petitioner alongwith other co-accused reached border of Pakistan through flood waters and brought illegal consignment of arms and ammunition. That huge arms and ammunition were recovered from the co-accused of the petitioner. The allegation against the accused are serious in nature."

7. In **Jai Parkash Singh vs. State of Bihar** (2012) 4 SCC 379, Hon'ble the Supreme Court while relying on the judgments in the cases of **D.K. Ganesh Babu vs. P.T Manokaran** (2007) 4 SCC 434, **State of Maharashtra vs. Mohd. Sajid Husain Mohd. S. Husain**, (2008) 1 SCC 213, and **Union of India vs. Padam Narain Aggarwal** (2008) 13 SCC 305, held thus:

"6. We have considered the rival submissions made by the learned counsel appearing for the parties and perused the record.

7. The provisions of Section 438 Cr.P.C. lay down guidelines for considering the anticipatory bail application, which read as under:

"438. Direction for grant of bail to person apprehending arrest.-
(1) Where any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section that in the event of such arrest, he shall be released on bail; and that court may, after taking into consideration, inter alia, the following factors,

namely:-

- (i) The nature and gravity of the accusation;
- (ii) The antecedents of the applicant including the fact as to whether he has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;
- (iii) the possibility of the applicant to flee from justice; and
- (iv) where the accusation has been made with the object of injuring or humiliating the applicant by having him so arrested, either reject the application forthwith or issue an interim order for the grant of anticipatory bail.”

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8. In view of the above, it is mandatory on the part of the court to ensure the compliance of the pre-requisite conditions for grant of anticipatory bail including the nature and gravity of the accusation.

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13. There is no substantial difference between Sections 438 and 439 Cr.P.C. so far as appreciation of the case as to whether or not a bail is to be granted, is concerned. However, neither anticipatory bail nor regular bail can be granted as a matter of rule. The anticipatory bail being an extraordinary privilege should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after proper application of mind to decide whether it is a fit case for grant of anticipatory bail.

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21. In the facts and circumstances of this case, we are of the considered opinion that it was not a fit case for grant of anticipatory bail. The High Court ought to have exercised its extraordinary jurisdiction following the parameters laid down by this Court in above referred to judicial pronouncements, considering the nature and gravity of the offence and as the FIR had been lodged spontaneously, its veracity is reliable. The High Court has very lightly brushed aside the fact that FIR had been lodged spontaneously and further did not record any reason as how the pre-requisite conditions incorporated in the statutory provision itself stood fulfilled. Nor did the court consider as to whether custodial interrogation was required.”

8. Hon’ble the Supreme Court in the case of **P. Chidambaram vs. Directorate of Enforcement**, (2019) 9 SCC 24, has observed that, “Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 CrPC is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial

discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy.”

9. Even otherwise, the petitioner has not been able to show absence of a *prima facie* offence so as to warrant the extraordinary relief of anticipatory bail, as held by Hon’ble the Supreme Court in **Salochna Pardi vs. State of Madhya Pradesh and another**, SLP Crl. No. 18200-2025, vide judgment dated 06.01.2026.

10. It is the bounden duty of the Court to take into consideration all the facts and circumstances and after its utmost satisfaction, grant anticipatory bail only in exceptional circumstances, where all the factors and parameters are met and there is no possibility of the accused interfering in the path of justice.

11. Pertinently, there are specific and grave allegations against the petitioner of having actively participated in the business of cross-border smuggling of arms and ammunitions in connivance with the co-accused and operatives based in Pakistan, having made misleading statements denying knowledge of co-accused, which stand contradicted by call detail records showing his continuous contact with them, thereby indicating deliberate concealment of material facts. Reliance was also placed on the interim bail granted to co-accused

Gagandeep Singh @ Gagan, Annexure P-2, whose name alongwith that of the petitioner, had surfaced in the disclosure statement of those apprehended at spot, however the same stands withdrawn vide order of even date, when it was brought out that the petitioner therein that while joining investigation, had not produced the mobile phone which was used at the time of occurrence and had rather presented a different one with a distinct IMEI number, falsely stating it having got lost. Given the serious and transnational nature of the offence involving recovery of arms and ammunition, *prima facie* inter-connectedness of accused, this Court does not find it a fit case to permit the petitioner to join the investigation with a protective umbrella of pre-arrest bail, as the element of criminality cannot be ruled out and his custodial interrogation is necessary to unearth the larger conspiracy, trace the source and intended use of the weapons and identify other associates. There also exists a reasonable apprehension that he may influence the witnesses or tamper with the evidence.

11. In view of the foregoing discussion, the present petition is hereby dismissed, being bereft of merit.

12. The observations made hereinabove are meant only for the purpose of deciding the present petition and in no manner are to be construed as an expression of opinion on the merits of the case.

(AMAN CHAUDHARY)
JUDGE

25.03.2026

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