



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

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CRM-M-73370-2025 (O&M)  
Date of Decision:- 21.01.2026

|                    |        |                |
|--------------------|--------|----------------|
| Gurjit Singh Atwal |        | ... Petitioner |
|                    | Versus |                |
| State of Punjab    |        | ... Respondent |

**CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA**

Present:- Mr. Vipin Kumar Sharma, Advocate,  
for the petitioner.  
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**SUBHAS MEHLA, J.** (Oral)

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.148 dated 13.09.2025, registered under Sections 109, 191(3), 190, 351(2), 351(3), 324(4), 303(2), 333 and 125 of Bharatiya Nyaya Sanhita, 2023 and Section 25 of Arms Act, at Police Station Mahilpur, Hoshiarpur, District Hoshiarpur.
2. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case as the primary allegation concerning the gunshot injury to the complainant's uncle is specifically attributed to the co-accused. Petitioner has clean and clear antecedents, and is willing to join the investigation. Hence, learned counsel prayed for anticipatory bail to the petitioner.
3. Notice of motion.
4. Mr. Anup Singh, AAG, Punjab, puts in appearance as advance copy of petition had been served to respondent-State, and opposed the present



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petition by submitting that the petitioner, along with the co-accused, forcibly entered the complainant's house by ramming a car/jeep into the main gate to break it open, and fired several gunshots in the air. It is further stated that 09 empty cartridges and 01 live cartridge were recovered from the spot, and that the present petitioner was armed with a '*gandasa*' and a 'pistol'. In the said incident, when the uncle of the complainant intervened to pacify the aggressors, co-accused inflicted a gunshot injury to his thigh. Custodial interrogation of the petitioner is necessary for recovery of weapons used in the commission of offence, and given that all accused acted in furtherance of common intention and citing seriousness of the offence alleged and manner of commission of offence, prayed for dismissal of the present petition.

5. Heard.

6. Keeping in view the facts of the present case and contentions of learned counsel of parties, that petitioner along with co-accused acted in furtherance of common intention and inflicted injuries; the gravity of the offence allegedly committed by the petitioner in connivance with the co-accused; the fact that the complainant's uncle sustained a gunshot injury to his thigh, and the manner in which the offence was committed, custodial interrogation of the petitioner is required for recovery of weapon of offence, and for proper investigation of the case.

7. The Hon'ble Supreme Court has emphasised the importance of custodial interrogation in case titled as '*CBI Vs. Anil Sharma, 1997 AIR Supreme Court 3806*' decided on 03.08.1997, by holding that many useful informations and concealed materials may be elicited from a suspect in



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custody, than a suspect who is well-protected by an order of anticipatory bail, in which case, interrogation may be reduced to a mere ritual.

8. Anticipatory bail is an extra-ordinary relief which can be granted only in exceptional cases deserving of the concession, and is to be granted sparingly, much less in serious offences as those alleged in the present 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 imagination, be said that anticipatory bail is the rule. It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. 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. In view of the above, this Court finds no ground to grant anticipatory bail to the petitioner and the present petition stands dismissed.

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

21.01.2026  
Geeta

( SUBHAS MEHLA )  
JUDGE

|                            |          |
|----------------------------|----------|
| Whether speaking /reasoned | Yes / No |
| Whether Reportable         | Yes / No |