



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.73372 of 2025
Date of decision: 27.01.2026

Gurdev Singh ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Raghav Soni, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
10	25.03.2025	Mattewal, District Amritsar Rural	308(4), 351(2), 125, 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) and 25 of Arms Act, 1959

2. As per the allegations, on the intervening night of 24/25.03.2025, some unknown persons had fired shots with some

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firearms outside the house of the complainant Satnam Singh and four empty shells were found outside his house in the next morning. The nephew of the complainant had also received some Whatsapp call on his phone from different numbers on the night of the incident. By alleging that someone was trying to extort money from him by making ransom calls and had used firearm outside his house to extend threats to him, the complainant prayed for taking action in the matter. After registration of FIR, investigation proceedings were initiated. Two children in conflict with law (names withheld) were nominated on the basis of secret information. They were detained. On the basis of disclosure statements suffered by them, the co-accused Balraj Singh was nominated as such and was arrested. He suffered disclosure statement on the basis of which the present petitioner, Gurmeet Singh @ Nikku and Bawa Singh were nominated as additional accused. The allegations against the petitioner are that he along with co-accused Gurmeet Singh and Bawa Singh had given two pistols to children in conflict with law and to accused Balraj Singh and those very pistols were used by the co-accused. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which has been dismissed by the Court of learned Additional Sessions Judge, Amritsar vide order dated 27.08.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of

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co-accused Balraj Singh which cannot be considered to be admissible in evidence. He was not named in the FIR. It was not he who had fired any shot outside the house of the complainant. The allegations that he along with the co-accused had provided weapons are false. His custodial interrogation is not required. He is ready to join the investigation. No recovery is to be effected from him. It is, thus, argued that he deserves to be released on bail.

4. Status report has been filed. Learned Assistant Advocate General, Punjab has argued that there are serious and specific allegations against the petitioner. His custodial interrogation is required for the purpose of effecting recovery of weapons as well as for proper investigation. He has been absconding since long. Now proclamation proceedings have been initiated against him. It is, therefore, argued that the petition is not maintainable and hence, it is stressed that the same is liable to be dismissed.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof is alleged to have supplied firearms to the co-accused which were used for firing shots outside the house of the complainant so as to extend threats, criminally intimidate him and to extort money.

Admittedly, proceedings for declaring the petitioner as a proclaimed

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person/offender are pending. It is well settled proposition of law that filing of an anticipatory bail application cannot be treated as appearance before a Court by a person against whom proceedings under Section 82 of Cr.P.C. are pending or who has been declared a proclaimed offender/person. Reference in this regard can be had to the observations made by Hon'ble Supreme Court in ***Srikant Upadhyay and others v. State of Bihar and another, AIR 2024 SC 1600***, wherein, the accused filed an application for pre arrest bail after coming to know about the fact that proceedings under Section 82 of Cr.P.C. were initiated against them. It was observed that such conduct of the accused did not entitle them to seek benefit of pre arrest bail. Reference can also be made to ***Prem Shankar Prasad v. State of Bihar and another, (2022) 14 SCC 516***, wherein the Hon'ble Supreme Court took note of the fact that the accused was absconding and concealing himself to avoid service of warrant of arrest and moved application for grant of pre arrest bail after proceedings under Sections 82/83 of Cr.P.C. were initiated against him and rejected the plea for grant of pre arrest bail. Learned Assistant Advocate General, Punjab has placed on record copies of certain orders passed by learned Jurisdictional Magistrate showing that proceedings for declaring the petitioner as a proclaimed person have been initiated vide order dated 23.05.2025 and now the matter is kept for 28.01.2026 for declaring him as such. In view of the discussion as made above, this Court is of the

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considered opinion that the petition filed by the petitioner is not maintainable since proceedings for declaring him as a proclaimed person have been initiated.

7. More so, even otherwise the allegations against the petitioner are serious and specific in nature. For the purpose of conducting proper investigation so as to know the source from where the petitioner had arranged firearms which were supplied to the co-accused and to elicit information about the trail leading to the commission of subject offences, the custodial interrogation of the petitioner is must. No exceptional or extraordinary circumstance warranting exercise of the powers for grant of anticipatory bail is made out. Accordingly, this Court finds no reason to allow the petition, the same is dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

27.01.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No