



CRM-M-43895-2025 (O&M) 1

217 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-43895-2025 (O&M)
Date of Decision:12.09.2025

Lakhwinder Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Karanjeet Singh Brar, Advocate for the petitioners.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA J.(Oral)

1. The present petition has been filed by the petitioner for grant of anticipatory bail in case FIR No.0049 dated 01.05.2025, registered under Sections 118(1), 115(2), 191(3) and 190 of BNS (Offence under Section 117(2) of BNS was added later on vide Rapat No.35 dated 12.05.2025) at Police Station Khuian Sarwar, District Fazilka.

2. Vide order dated 12.08.2025, passed by this Court, the petitioners were granted interim bail and were directed to join investigation.

3. Status report/reply dated 11.09.2025 filed on behalf of the respondent-State is taken on record. Copy thereof, has been supplied to counsel opposite.

4. Learned counsel for the petitioners submits that when notice of motion was issued by this Court on 12.08.2025, the petitioners were directed to join the investigation and were granted interim bail. In

**CRM-M-43895-2025 (O&M) 2**

pursuance thereof, they have already joined the investigation and have fully cooperated with the investigation process. Therefore, the interim bail granted to the petitioners may be made absolute

5. Learned State counsel submits that the petitioners have joined the investigation on 17.08.2025 and weapon of offence has been recovered from petitioner No.1. It is further submitted that custodial interrogation of petitioner No.2 is required, as the weapon of offence has not been recovered from him.

6. I have heard the learned counsels for the parties.

7. After considering the submissions of both sides, this Court is of the view that non-recovery thereof cannot be considered as the ground for disallowing the benefit of pre-arrest bail. Given the nature of the allegations, this Court is of the opinion that incarceration of the petitioners are not required and as such, a case is made out for allowing the petition.

8. Keeping in view the above-mentioned facts and circumstances, and without commenting on the merits of the case, the present petition is allowed. The order dated 12.08.2025, granting interim bail to the petitioners, is made absolute, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 (analogous to Section 438(2) of the Code of Criminal Procedure).

(MANISHA BATRA)
JUDGE

12.09.2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No