



215 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-6409-2025
Date of decision: 24.02.2025**

BOBBY SINGH

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. P.B.S. Goraya, Advocate;
Mr. S.S. Bhullar, Advocate and
Mr. S.P.S. Sandhu, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.108 dated 08.12.2024 under Section 25/54/59 of the Arms Act, 1959, registered at Police Station Verka, District Amritsar.

2. On 04.02.2025, following order was passed:

"Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.108 dated 08.12.2024 under Section 25/54/59 of the Arms Act, 1959, registered at Police Station Verka, District Amritsar.

Learned counsel for the petitioner, inter alia, contends that similarly situated co-accused Gursimranjit Singh has already been granted the concession of ad interim anticipatory bail by this Court vide order dated 24.01.2025 passed in CRM-M-3987-2025 and case of the petitioner is identical to him. Both of them were not named in the FIR (supra) and they were nominated as accused on



the basis of disclosure statement of co-accused, while he was in police custody. It is further contended that the confessional statement recorded by co-accused before the police official in police custody is hit by the provisions of Section 23(1)(2) of Bharatiya Sakshya Adhiniyam, 2023 and the same has no evidentiary value in the eyes of law.

Notice of motion for 24.02.2025.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of the Code of Criminal Procedure, 1973).*

If the Arresting Officer does not permit the petitioner to join the investigation, he would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law.”

3. Learned State counsel, on instructions from ASI Lakhwinder Singh, submits that in compliance of order dated 04.02.2025 passed by this Court, the petitioner has joined the investigation and is not required for



further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel, the order dated 04.02.2025, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 482 (2) BNSS.

5. The petition is accordingly disposed of.

6. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

February 24, 2025
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(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |