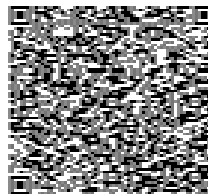




2026:PHHC:076758



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

(204)

CRM-M-23087-2026 (O&M)

Date of decision : 15.05.2026

SUNNY

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**Present:** Mr. Parveen Chauhan, Advocate for the petitioner

Ms. Sakshi Bakshi, AAG, Punjab

MANISHA BATRA, J. (ORAL)

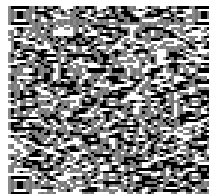
1. The instant petition has been filed by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS") seeking grant of anticipatory bail in case arising out of FIR No.383 dated 18.12.2022 registered under Sections 336, 452, 148, 149, 427 of IPC and Sections 25 and 27 of the Arms Act at Police Station Civil Lines, Batala, District Gurdaspur.

2. The aforementioned FIR was registered on the basis of statement got recorded by the complainant Kashmir Kaur alleging that on the evening of 17.12.2022, she came out of her house to buy milk and as soon as she opened main gate of her house, accused Rashpal Singh @ Ghuddu, Sonu accompanied by some unknown persons were found creating ruckus on the street. On seeing her, the accused Rashpal Singh @ Ghuddu made an exhortation to catch-hold of her. Then all of them entered inside her house, after breaking open the main



2026:PHHC:076758

2026:PHHC:076758



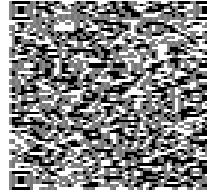
gate. They were armed with weapons and one of them fired in the air. They also damaged the household articles kept in her house. On clamour being raised, they fled from the spot. After registration of FIR, investigation proceedings were initiated. During investigation, the petitioner was nominated as an accused. Apprehending his arrest, he moved an application for grant of anticipatory bail which was dismissed by the Court of Learned Additional Sessions Judge, Gurdaspur vide order dated 01.09.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. His implication is on the basis of alleged disclosure statement of co-accused Sarabjit Singh which cannot be considered to be legally admissible in evidence. Moreover, his name was taken after a delay of more than two and half years after the occurrence. No specific overt act has been attributed to him. He is ready to join investigation. His custodial interrogation is not required. No recovery is to be effected from him. The co-accused Harbhajan Singh @ Sonu, Rashpal Singh @ Ghuddu, Tralochan Singh @ Gori and Prabhjot @ Prabhjeet Kaur have already been extended benefit of bail. It is, thus, argued that the petition deserves to be allowed.

4. Status report has been filed. Learned State counsel has argued that the presence of the petitioner at the spot was established on the basis of disclosure statement of the co-accused. For conducting proper and thorough investigation in the matter, his custodial interrogation is must. It is, therefore, stressed that the petition does not deserve to be allowed.



2026:PHHC:076758



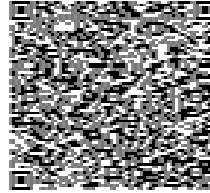
5. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

6. The petitioner alongwith the co-accused is alleged to have formed membership of an unlawful assembly and in prosecution of common object thereof is further alleged to have entered inside the house of the complainant and damaged her household articles. He was not named in the FIR. No specific act has been attributed to him. Given the nature of the allegations as levelled against the petitioner and the above discussed facts, this Court is of the considered opinion that the pre-trial incarceration of the petitioner is not required. Even otherwise, pre-trial incarceration should not be a replica of post-conviction sentencing. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to the condition that the petitioner shall surrender before the Investigating Officer/Arresting Officer within a period of 10 days from today and shall join investigation within that period and also subsequently, as and when required and subject to furnishing personal as well as surety bonds to the satisfaction of the Investigating/Arresting Officer. He will also not tamper with any evidence, will not pressurize, induce, extend threats to any witness acquainted with the facts and circumstances of the case, will not leave the country, during investigation and trial of the case, except after seeking permission from the trial Court, shall disclose the details of his Aadhar Card No., Passport No., cellphone No., while furnishing bond to the learned trial Court and shall also abide by all the terms and conditions as envisaged under Section 482(2) of BNSS.



2026:PHHC:076758

2026:PHHC:076758



7. It is, however, clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)

JUDGE

15.05.2026

Amit Sharma

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No