

(2026) 08 P&H CK 0483
In the Punjab And Haryana At Chandigarh
Case No : CRM-M-42716-2026 (O&M)

David Masih

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 04-08-2026

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 482
Code of Criminal Procedure, 1973 — Section 438
Arms Act, 1959 — Section 25(8)

Citation : (2026) 08 P&H CK 0483

Hon'ble Judges : Virinder Aggarwal, J

Bench : Single Bench

Advocate : Mr. Harmanpreet Singh, Advocate for the petitioner. Mr. Jasjit Singh Rattu, DAG, Punjab.

Final Decision : dismissed

Judgement

1. The present second petition has been instituted under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 438 of the Code of Criminal Procedure, 1973) seeking the concession of anticipatory bail in FIR No.93 dated 29.05.2026, registered under Section 25(8) of the Arms Act, 1959, at Police Station Cantonment, District Police Commissionerate, Amritsar. The earlier petition seeking similar relief was dismissed as withdrawn by this Court on 08.07.2026.

2. Briefly stated, the prosecution case is that on 29.05.2026, co-accused Harjinder Singh @ Jinder was apprehended by the police. A search of his kit bag allegedly resulted in the recovery of two GLOCK 9 mm pistols manufactured in Austria, one GLOCK 9 mm pistol manufactured in the USA, and one .30 bore pistol manufactured in China, each accompanied by two live cartridges. During the course of custodial interrogation, the said accused allegedly suffered a disclosure statement, pursuant to which two additional .30 bore pistols manufactured in Türkiye, along with two live cartridges each, were recovered. It

is further alleged that the co-accused disclosed that he, along with the present petitioner, David Masih, had smuggled the aforesaid arms and ammunition from Pakistan. On the basis of the said disclosure statement, the petitioner came to be nominated as an accused in the present case.

3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. It is submitted that the petitioner was not named in the FIR and has been nominated solely on the basis of the disclosure statement allegedly suffered by co-accused Harjinder Singh @ Jinder after his arrest. It is further argued that no recovery has been effected from the conscious possession of the petitioner and that there is no independent incriminating material connecting him with the alleged offence. Learned counsel submits that the prosecution story is inherently improbable and is not corroborated by any independent evidence. It is, accordingly, prayed that the petitioner be granted the concession of anticipatory bail.

4. Notice of motion.

5. Upon notice, Mr. Jasjit Singh Rattu, learned Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State and vehemently opposes the prayer for grant of anticipatory bail. It is contended that, having regard to the nature and gravity of the allegations, the recovery of sophisticated foreign-made firearms and live ammunition, and the specific role attributed to the petitioner in the alleged cross-border smuggling of arms, the petitioner does not deserve the extraordinary concession of anticipatory bail at this stage. It is, accordingly, prayed that the present petition, being devoid of merit, be dismissed.

6. I have heard learned counsel for the parties at considerable length and have meticulously perused the paper book and the material placed on record with their able assistance.

7. It is not in dispute that, at the time of his arrest on 29.05.2026, co-accused Harjinder Singh @ Jinder was allegedly found in conscious possession of four sophisticated foreign-made pistols, namely, three GLOCK 9 mm pistols and one .30 bore pistol, each accompanied by live cartridges. During the course of his custodial interrogation, the said co-accused allegedly suffered a disclosure statement, pursuant to which, on 01.06.2026, two additional .30 bore pistols, along with live cartridges, were recovered. The prosecution further alleges that the co-accused specifically disclosed that the aforesaid arms and ammunition had been procured in conspiracy with the present petitioner and had been smuggled into India from Pakistan.

7.1. The allegations, therefore, are not confined merely to the recovery of illegal firearms but *prima facie* disclose the existence of an organised cross-border arms smuggling network. The role attributed to the petitioner is that of an active participant in the procurement and supply of sophisticated foreign-made weapons allegedly smuggled from across the international border. Such allegations have far-reaching ramifications touching upon the security of the

State and cannot be viewed as ordinary offences under the Arms Act.

7.2. It is well settled that the power to grant anticipatory bail is an extraordinary discretionary relief, which is required to be exercised sparingly, particularly where the investigation relates to offences having serious implications for national security and public order. In cases involving cross-border smuggling of arms, the investigating agency must be afforded adequate opportunity to conduct a free, fair and effective investigation so as to ascertain the entire supply chain, identify the source of procurement, trace the intended recipients, unearth the involvement of other members of the syndicate, and determine whether the recovered weapons were intended to facilitate organised crime, narco-terrorism or other activities prejudicial to the security and sovereignty of the nation.

7.3. The menace of cross-border smuggling of sophisticated weapons, often intertwined with narco-terrorism and organised criminal syndicates, poses a grave threat not only to the maintenance of public order but also to the internal security of the country. Such activities have the potential to fuel terrorism, organised crime and other anti-national activities. Consequently, allegations of this nature require a thorough, effective and unhindered investigation, and any premature protection from arrest at this stage is likely to impede the investigation and frustrate the efforts of the investigating agency in unearthing the larger conspiracy.

7.4. The contention raised on behalf of the petitioner that his implication rests solely upon the disclosure statement of the co-accused is a matter which falls within the realm of appreciation of evidence and cannot be conclusively examined at the stage of consideration of anticipatory bail. At this stage, this Court is only required to examine whether the investigating agency has demonstrated the necessity for custodial interrogation. Having regard to the nature of the allegations, the quantity and character of the arms recovered, the subsequent recoveries effected pursuant to the disclosure statement, and the specific role attributed to the petitioner in the alleged cross-border smuggling of arms, this Court is satisfied that custodial interrogation of the petitioner is necessary for a meaningful and effective investigation.

7.5. Accordingly, without expressing any opinion on the merits of the case, lest it prejudice either party during the course of investigation or trial, this Court is of the considered opinion that the applicant-petitioner has failed to make out any case for grant of the extraordinary concession of anticipatory bail.

7.6. Consequently, the present petition, being devoid of merit, is hereby **dismissed**.

8. In view of the fact that the principal matter stands finally adjudicated, all pending miscellaneous applications, if any, arising out of or ancillary to the present proceedings, shall also stand disposed of accordingly. No separate or further orders are required to be passed in respect thereof.