

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60015-2024
Reserved on: 14.01.2025
Pronounced on: 28.01.2025

Jugraj Singh @ Jaggu ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sukhmeet Singh, Advocate,
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
42	24.10.2024	Kacha Pacca, District Tarn Taran	25(6), 25(7) (i), 25(8) of Arms Act, 1959 (Section 249 of BNS added later on)

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 9 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“4. That true facts leading to this case are that the investigating officer namely ASI Gurmit Singh along with police officials in connection with special nakabandi were present at Surwind Chowk and were doing checking of different vehicles. After some time, one motorcycle Honda Dream, Colour Black without number plate was seen coming from Dayalpur side on which two clean shaven persons were riding, to whom ASI Sukhwinder Singh No.308/TT gave signal to stop. Then, the person who was driving the motorcycle tried to turn back at once. Then, the investigating officer apprehended them with the help of fellow officials

and asked for their name and address. Then, the motorcyclist disclosed his name Ranjit Singh @ Jeeta son of Onkar Singh, resident of Chagawan Sadhpur, P.S. Mattewal and the person who was pillion rider disclosed his name as Gurpreet Singh @ Gopi son of Harjit Singh, resident of village Chagawan Sadhpur, P.S. Mattewal. At the time of conducting the search of motorcyclist Ranjit Singh, the investigating officer while complying with the provisions of Section 105 of BNSS in his mobile in E-Saksha App and started videography with the help of fellow official. On search from his right pocket of wearing pant, 7 live cartridges 30 bore were recovered and at the time of conducting the search of above said Gurpreet Singh, from the right pocket of his wearing pant, 6 live cartridges 30 bore were recovered. The above said persons neither produce any proof regarding recovered cartridges nor produce any documents of motorcycle. On asking strictly the above said persons disclosed that they have brought the above said cartridges from their village and after taking the pistol from some person of village Baltoha, firing was to be done for ransom and in this regard, the present case FIR No.42 dated 24.10.2024, under section 25(6)/25(7)(1)/25(8) of the Arms Act has been registered at police station Kacha Pacca, District Tarn Taran against the accused namely Ranjit Singh alias Jeeta and Gurpreet Singh alias Gopi."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.
5. The State's counsel opposes bail and refers to the status report.
6. It would be appropriate to refer to the following portions of the status report, which read as follows:

"5. That during the course of interrogation of the accused Gurpreet Singh alias Gopi and Ranjit Singh, the co-accused Gurpreet Singh alias Gopi voluntarily suffered his disclosure statements before the investigating officer to the effect that "Mohabbat Singh son of Kulwinder Singh, Caste Jat, resident of Nath Ki Khuhi, P.S. Mehta had given 6 live cartridges 30 bore and had said that he has to go in District Tarn Taran where Jugraj Singh @ Jaggu son of Satnam Singh, resident of Bhangala will meet him and he will arrange for his stay and he will call him that to whom these cartridges are to be given" and the co-accused Ranjit Singh voluntarily suffered his disclosure statement before the investigating officer to the

effect that "Mohabbat Singh son of Kulwinder Singh, Caste Jat, resident of Nath Ki Khuhi, P.S. Mehta had given 7 live cartridges 30 bore and had said that he has to go in District Tarn Taran where Jugraj Singh @ Jaggu son of Satnam Singh, resident of Bhangala will meet him and he will arrange for his stay and he will call him that to whom these cartridges are to be given and he was going to give these cartridges and has been apprehended along with cartridges" and on the basis above said disclosure statements, the petitioner namely Jugraj Singh alias Jaggu and co-accused Mohabbat Singh have been nominated in the present case vide DDR No.15 dated 27.10.2024.

ROLE OF THE PETITIONER:

7. That as far as role of the petitioner namely Jugraj Singh alias Jaggu is concerned, it is submitted that illegal ammunition had been recovered from the co-accused Ranjit Singh and Gurpreet Singh and they had further revealed that the petitioner was to arrange for their stay till they received further instructions as to whom the cartridges were to be delivered and since it is indicative of the existence of notorious syndicate which is dealing in illegal arms trade and there is every possibility that the investigation will be derailed in case the anticipatory bail is granted to the petitioner. As such, the petitioner has committed the serious offence and he is not entitled for the concession of anticipatory bail and the custodial interrogation of the petitioner is utmost required in the present case in order to trace the other accused who are involved in the present case and further to bring the investigation of the present case to its logical conclusion.

EVIDENCE AGAINST THE PETITIONER:

8. That it is submitted that as far as evidence against the petitioner is concerned, it is submitted that illegal ammunition has been recovered from the co-accused Ranjit Singh and Gurpreet Singh which they were going to deliver to the petitioner and further, after making arrest of the petitioner appropriate investigation will be conducted against him. Moreover, there is sufficient evidence against the petitioner and he is likely to be convicted in the present case."

7. The evidence against the petitioner is in the shape of disclosure statement of co-accused Ranjit Singh, who had confessed in custody before the police officials about the petitioner that he said he will arrange for their stay.

8. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage.

10. The petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

11. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

12. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

13. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

14. This order is subject to the petitioner's complying with the following terms. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

15. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

16. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

17. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

18. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

19. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

20. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

28.01.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.