

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36023-2024
Reserved on: 16.10.2024
Pronounced on: 22.10.2024

Puneet Bains @ Mani ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Harpriya Gill, Advocate
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
120	03.09.2020	Sadar Ludhiana	391/395/397 IPC and Section 25 of the Arms Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.
2. Per paragraph 7 of the bail application, the accused has the following criminal antecedents:

Sr. No	FIR No.	Dated	Offences	Police Station
1	36	03.03.2023	25/54/59 of Arms Act	Moti Nagar, Ludhiana
2	133	04.06.2021	336/148/149/120-B/188 IPC (Section 307 IPC and Section 25/27/54/59 of Arms Act added later on)	Moti Nagar, Ludhiana
3	88	08.05.2022	307/452/427/506/148/149 IPC and Sections 25/27 of Arms Act	Tiber, Ludhiana
4	260	09.10.2019	307/323/506/148/149 IPC and Sections 25 and 27 of Arms Act	Moti Nagar, Ludhiana
5	87	30.05.2020	307/452/148/149/188 IPC and Section 25 of Arms Act	Tibba, Ludhiana
6	139	09.06.2020	307/506/294/148/149/120-B IPC and Sections 25/27 of Arms Act	Division No.3, Ludhiana, District Ludhiana
7	18	07.03.2024	336/427/148/149/120-B, 160 IPC and Sections 25/27 of Arms Act (Section 307 IPC added later on)	Daresi, Ludhiana

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“3. That the brief factual matrix pertaining to the present case are mentioned hereinbelow:

i. That, on 03.09.2020, ASI Amrik Singh (hereinafter referred to as "the complainant"), along with the police party, was present near B7 Hotel, Pakhowal Chowk, Ludhiana, conducting a routine check of suspicious persons and vehicles. During the same, a secret informer provided credible information disclosing that, on the intervening night of 13/14.08.2020, a group of individuals were engaged in gambling with a large sum of money at a farmhouse located in Basant Avenue, Bikram Dutta Colony. The individuals involved in gambling were identified as Gagandeep Singh @ Raju Shahenshah, Sukhwinderpal Singh Sehgal, Raj Kumar @ Raju, and others.

ii. That the informer further revealed that a separate group of assailants, namely Mandeep Singh @ Manna, Vivek Kumar @ Monu, Mani Bains @ Puneet Bains (the petitioner), Deepak @ Deepu, Neeraj Kumar @ Ashu, Manjit Singh @ Sonu, Shubham Kumar @ Langda, Aman Bhola, along with 4-5 unidentified individuals, had planned to rob and inflict injuries on the gamblers. On the intervening night of 13/14.08.2020, the assailants scaled the wall of the farmhouse and fired aerial shots to intimidate the individuals inside. They threatened to kill the gamblers and forcibly took Rs 14.5 lakhs in cash, along with gold chains and rings worn by the gamblers. After committing the dacoity, the assailants fled the scene. The assailants used an i20 car, Alto car, Bullet motorcycle, and Activa scooter during the commission of the offense. It was further revealed by the informer that the i20 car used by the assailants had been snatched by them on 04.08.2020 from the area falling in the jurisdiction of Police Station Jamalpur. The informer also mentioned that the victims of the gambling event, including Gagandeep Singh @ Raju Shahenshah and others, did not report the incident out of fear.

iii. That finding the information credible, a ruqqa was sent to the Police Station, and based on the same, the present case, i.e., FIR No. 120 dated 03.09.2020, was registered at Police Station Sadar, Ludhiana, initially under Sections 391, 395, and 397 of the IPC wherein individuals namely Mandeep Singh @ Manna, Vivek Kumar @ Monu, Mani Bains @ Puneet Bains (the petitioner), Deepak @ Deepu, Neeraj Kumar @ Ashu, Manjit Singh @ Sonu, Shubham Kumar @ Langda, and Aman Bhola, were arrayed as accused in the case.

iv. That, during the course of the investigation in the present case, it was revealed that, during the incident of dacoity, the accused Mandeep Singh @ Manna and Neeraj Kumar @ Ashu were carrying pistols, while the other assailants were armed with iron dahs (blades). Further, based on the statement of the accused Deepak Kumar @ Manna, recorded under Section 27 of the Indian Evidence Act, it came to light that the pistol used by Neeraj Kumar @ Ashu in the commission of the dacoity was handed over by Neeraj Kumar to Deepak, who subsequently gave it to the petitioner, Puneet Bains @ Mani Bains.

v. That it is pertinent to mention that the petitioner, along with other co-accused, was apprehended in FIR No. 260 dated 03.09.2020, registered under Sections 399 and 401 of the IPC and the Section 25 of Arms Act, at PS Mandi Gobindgarh wherein two pistols (.32 bore), five live cartridges, and a 9mm pistol were

recovered from the petitioner based on the disclosure made by him in that case. This recovery directly substantiates the fact that the weapon used by Neeraj Kumar @ Ashu during the dacoity was handed over to the petitioner, and the same, along with other weapons, was recovered from him in the aforementioned FIR.
vi. That, as the petitioner was already apprehended in FIR No. 260 registered at PS Mandi Gobindgarh, his production warrants were issued by the Ld. Illaqa Magistrate, Ludhiana, for 25.09.2020. Consequently, the petitioner was formally apprehended in the present case on 25.09.2020."

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 their family.
5. The State's counsel opposes bail and refers to the status report.
6. Pre-trial incarceration should not be a replica of post-conviction sentencing. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, per paragraph 2(vi) of the reply filed to the bail petition, the petitioner has been in custody since 25-09-2020. Per the custody certificate dated 15.10.2024, the petitioner's total custody in this FIR is 02 years, 01 month and 23 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.
7. 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.
8. 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 concerned Court and due to unavailability before any nearest Illaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
9. 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)	

10. This order is subject to the petitioner's complying with the following terms.

11. 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.

12. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall not enter the property, workplace, and residence of the victim until the statements of all non-official and informal witnesses in the trial are recorded. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to *Vikram Singh v Central Bureau of Investigation*, 2018 All SCR (CrL.) 458; and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

13. Given the background of allegations against the petitioner, it becomes paramount to protect the victim, and their family members, as well as the members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearm(s). [This restriction is being imposed based on the preponderance of evidence of probability and not of evidence of certainty, i.e., beyond reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days from release from prison and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

14. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense. In *Mohammed Zubair v. State of NCT of Delhi*, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

15. Any observation made hereinabove is neither an expression of opinion on the

case's merits nor shall the trial Court advert to these comments.

16. 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.

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

(ANOOP CHITKARA)
JUDGE

22.10.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.