

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

CRM-M-53517-2024
Reserved on: 02.12.2024
Pronounced on: 19.12. 2024

Arshjot Singh @ Arsh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ramndeeep Singh Gill, Advocate and
Mr. Jatin Bansal, Advocate, for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
06	07.03.2024	Crime Branch, District SAS Nagar	384/34 IPC and 25 (6) (7) of the Arms Act.

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 11 of the bail application and the reply filed by the State, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	272	21.07.2021	307, 387, 34, 120-B IPC	Sohab District SAS Nagar.
2.	68	27.02.2024	307, 427 and 34 IPC & Section 25 of the Arms Act	Sohab District SAS Nagar.

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

“2. That brief facts of the case are that case FIR No. 06 dated 07.03.2024 u/s 384, 34 IPC and Sections 25(6), 25(7) of Arms Act, 1959 was registered at Police Station Punjab State Crime Police Station, SAS Nagar, District SAS Nagar (Mohali) against Lucky Patial @ Gaurav Patial son of Surinder Singh, Arshjot Singh @ Arsh (accused/petitioner) son of

Harwinder Singh, Ranjeet Singh @ Rana Gutej Singh @ Harry son of Jaswinder Singh and two other unknown persons, on the allegations that the above said accused persons are members of Davinder Bambiha Gangster Group and they keep illegal arms and ammunitions and further supply to group members. It has been further alleged in the FIR that accused persons used to demand ransom from builders, artists and other rich persons after threatening them on the instructions of Gangster Lucky Patial @ Gaurav Patial son of Surinder Singh, who is residing abroad. The copy of FIR is already appended with the petition as Annexure P-1 for kind perusal of the Hon'ble Court. Hence, there is no need to reiterate the entire facts again here for the sake of brevity.”

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 reply.
6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“16. That since the accused/petitioner is involved in other cases registered against him and he met with accused Rajinder Singh in Nabha Jail during his custody and on the directions of Lucky Patial @ Gaurav Patial, along with his co-accused handed over two pistols to the accused Rajinder Singh @ Gaggu, who further supplied the pistol to Jasbir Singh @ Jassa, who committed a crime in the area of Police Station Sultanpur Lodhi District Kapurthala, where that pistol was recovered by the police of Police Station Sultanpur Lodhi from Jasbir Singh @ Jassa in case/FIR No. 47 dated 13.03.2024 u/s 386/506 IPC and Sec 25/54/59 of Arms Act Police Station Sultanpur Lodhi, in which later on offence under section 307 IPC was enhanced.

17. That the disclosure statements suffered by Rajinder Singh @ Gaggu and Ranjeet Singh @ Rana also corroborated the facts that the accused/petitioner is an active member of a gangster group who supply arms and ammunition to other members for illegal activities. So the allegations against the accused/petitioner are serious in nature and if he is released on bail he will certainly hamper the course of trial and will influence the witnesses. So, considering the prevailing gang culture in Punjab, there is an urgent need to curb it. Therefore the accused/petitioner does not deserve the concession of regular bail.

7. There is insufficient primafacie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.
8. Per paragraph 12 of the bail petition, the petitioner has been in custody since 08.07.2024 Per the custody certificate dated 01.12.2024, the petitioner's total custody in this FIR is 04 months and 18 days.
9. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie 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.
10. 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.
11. 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 Ilaqa 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.
12. 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.
15. 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.
16. 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 be at liberty to cancel this bail.

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
18. 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.
19. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

19.12. 2024
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Whether speaking/reasoned: Yes
Whether reportable: No.