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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4852-2025

Date of Decision: 03.02.2025

SANJEEV KUMAR ALIAS BABBA

....Petitioner(s)

VERSUS

STATE OF PUNJAB

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Vipul Aggarwal, Advocate for the petitioner.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Sanjeev Kumar@ Babba	118	07.07.2024	111 of BNS 2023 and 25(7) of Arms Act, 1959 (Sections 54 and 59 of Arms Act added later on)	Civil Lines	Police Commissionerate Amritsar

2. Learned counsel for the petitioner relies upon the order dated 13.01.2025 (Annexure P-4), passed by this Court in CRM-M-55065-2024, in the case of co-accused of the petitioner, namely, Karan Sharma, and submits that case of the prosecution is that F.I.R. has been got registered at the instance of one Sub Inspector namely Dilbagh Singh with the allegations



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that he received some secret information that some persons have formed an organized gang of criminals, who are already involved in the criminal cases. After buying arms/ammunition at low rates from other States through illegal means, same are being supplied to the bad elements in the State of Punjab at high rates, and also use those weapons for carrying out serious organized crimes by forming an organized crime organisation, named, Sukha Pistol Group Syndicate. They have links with other gangsters groups, provide funds to fugitive gang members, and are trying to commit an organised crime in the area of Civil Lines, Amritsar.

3. By registering the FIR, names of the suspects were mentioned as (1) Jai Sharma @ Sukha Ambasaria, resident of Guru Nanakpura Kol Khalsa Amritsar, (2) Suraj Sharma @ Sucha r/o Guru Nanakpura, Kot Khalsa, Amritsar, and (3) Nikhil Sharina @ Lalla resident of 88 foot road, Amritsar and their other associates.

4. Counsel for the petitioner submits that his client is not involved in any other criminal activity, till date.

5. He further submits that on the basis of the disclosure statement of co-accused namely Jai Sharma @ Sukha Ambsaria and Nikhil Sharma, first and third accused mentioned in the FIR, petitioner herein has been involved as an accused, and is dragged in the present criminal case. He has no connection with any kind of alleged crime.

6. Counsel for the petitioner further argues that it would be a debatable question that whether any proceeding can be initiated against the petitioner with the set of allegations mentioned in the FIR for convicting him for the alleged offences because no specific continuing unlawful



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for a period of three years or more, is alleged till date by the prosecution.

The F.I.R. is only on imaginary basis.

7. Counsel for the petitioner further argues that neither the petitioner was arrested from the spot nor any recovery has been effected from him and he has been falsely roped in the case with an ulterior motive. The petitioner is said to be inside jail for the last about 6 months. Thus, he prays for releasing of the petitioner on bail.

8. Mr. Amandeep Sigh Samra, AAG, Punjab, appearing on advance notice and in response to the arguments addressed by learned counsel for the petitioner, is unable to controvert the submissions addressed by counsel for the petitioner which has been recorded hereabove.

9. Learned State counsel also informs that the investigation is complete and the final report has also been submitted. The trial is yet to commence, and does not dispute the fact that conclusion of the trial may take a considerable time.

10. After hearing learned counsel for the parties and perusing the relevant material on record with their able assistance, this Court finds substance in the submissions made by learned counsel for the petitioner by observing that

11. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed hereinabove, I deem it appropriate to grant the concession of bail to the petitioner.

12. Consequently, prayer made in the present petition is **allowed**.

Petitioner is ordered to be released on bail, subject to his furnishing

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Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

13. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

14. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

15. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 03, 2025

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Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**