



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-31454-2025 in/and
CRM-M No.4892 of 2025 (O&M)
Reserved on :12.08.2025
Pronounced on: 13.08.2025

Gurjant Masih

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued by: Mr. Sandeep Gors, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

CRM-31454-2025

The applicant is seeking permission to place the list of witnesses and disclosure statement on record of the present petition.

In view of the grounds mentioned in the application, the same is hereby allowed and the applicant-petitioner is permitted to place the above mentioned documents on record.

CRM stands disposed of.

CRM-M No.4892 of 2025

1. This petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case arising out of FIR No.60 dated 03.07.2024, Police Station Ramdass, District Amritsar Rural, Punjab.



2. The petitioner, who is being prosecuted for the commission of offence punishable under Sections 25-54-59 Arms Act and 10/11/12 Aircraft Act, 1934, is seeking regular bail as the application for bail filed by the petitioner before the Court of learned Additional Sessions Judge, Amritsar has been dismissed vide order dated 10.01.2025.

3. The allegations against the petitioner are for the commission of offence punishable under Sections 25-54-59 Arms Act and 10/11/12 Aircraft Act, 1934. It is stand of the prosecution that the FIR of this case was lodged in the backdrop of the fact that the office of Company Commander BSF vide his letter dated 03.07.2024 had informed the SHO P.S. Ramdass District Amritsar that on 03.07.2024 at about 7.40 A.M. on the basis of secret inputs a Quadcopter was recovered from the fields of Teja Singh son of Bawa Singh resident of village Nishoka. It was further informed that a yellow colour packet was insulated with the quadcopter and after opening of the same it was found that it was carrying 2 pistols and 04 illuminating sticks.

4. It is the case of the prosecution that the above said quadcopter had flown from some place in Pakistan to supply arms in the territory of India. Thus, by lodging the FIR investigation had been initiated. During the course of investigation in view of evidence with regard to regular conversations of petitioner with somebody in Pakistan it was suspected he was involved in the commission of offence. Thus, he was arrested on the basis of available evidence which has already been collected. After completion of investigation challan has been filed in the Court.

5. Heard.



6. Reply to the petition has already been filed

7. It has been argued by learned counsel for the petitioner that in the present case charge has already been framed by learned trial Court on 07.05.2025 and that the abovesaid charge sheet is for the commission of offence punishable under Sections 25 of Arms Act and 10/11/12 of Aircraft Act 1934. According to learned counsel for the petitioner the maximum punishment prescribed for the above mentioned offence is imprisonment up to 5 years only and that the offence punishable under Sections 10/11/12 of Aircraft Act is two years only. It has been further argued that a prosecution for the offence under the Aircraft Act can be initiated on the complaint of the prescribed authority only, whereas in the instant case the accused is being prosecuted in view of FIR lodged by the police.

8. In addition to above, it has also been argued by learned counsel for the petitioner that nothing is left to be recovered from the possession of accused and that the investigation is already complete and the petitioner has already suffered incarceration for being in custody since 11.11.2024 and the trial is not likely to be concluded in near future and therefore, the petitioner is entitled for the benefit of bail.

9. While controverting the above mentioned arguments of learned counsel for the petitioner the learned State counsel has argued that allegations against the petitioner are of serious nature, touching safety and security of the nation. As per learned State counsel the petitioner is an active participant of a group involved in illegal smuggling of fire arms in India, which are ultimately used by anti social and anti national activists. According to learned State



counsel the regular conversations between the accused and the operatives situated in Pakistan proves that he is actively involved in the commission of offence. The learned State counsel on the basis of above submissions has pleaded that in the given facts situation, the petitioner is not entitled for the benefit of bail.

10. The record has been perused carefully.

11. In my opinion, for the decision of present bail application, following are the relevant factors which need consideration before arriving at any conclusion: -

1. that the accused is already in custody for a period of more than 9 months;
2. that the maximum punishment prescribed for the offence is imprisonment up to 7 years;
3. that investigation in this case is already complete and therefore nothing is left to be recovered from the possession of accused;
4. that trial and investigation of the present are not likely to be concluded in near future;
5. that recovery from the possession of the petitioner has not taken place;
6. that alleged fire arm and illumination rods were found in the field of Teja Singh who has not been joined as witness during the course of investigation.

12. If the cumulative effect of all the above mentioned factors,



involved in the instant case, is taken into consideration, in my opinion, the petitioner is entitled for the benefit of bail.

13. Accordingly, the present petition is hereby allowed and the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of the trial Court. In case, the trial Court is not available, the learned Sessions Judge would be at liberty to assign the abovesaid case, for the abovesaid purpose, to any other Court.

15. It is however made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(SURYA PARTAP SINGH)
JUDGE

Pronounced on: 13.08.2025
Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No