

CRM-M-11758-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11758-2025
Reserved on: 06.08.2025
Pronounced on: 19.08.2025

Danish Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Manoj Kumar, Advocate
Mr. Raghav Puggal, Advocate and
Ms. Mehak Sharma, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
173	30.12.2024	Sarabha Nagar, District Police Commissionerate Ludhiana,Ludhiana	310 BNS 2023 and 25/27-54- 59 of 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 19(D) of the reply as well as custody certificate dated 05.08.2025, the petitioner has no criminal history.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“...that on the intervening night of 30.12.2024, ASI Ramesh Kumar along with police officials on a private vehicle in search of bad elements were present near Durga Mandir Sunet, then Aman Sharma came present and recorded his statement that on 30-12-2024 at 12.30 A.M., he was returning home with his friends. After dropping one of his friends Bhavik at Singh Sabha Gurudwara Model Town, he was returning home at about 2 A.M. after having meals. He alighted from his car on the way at T point

CRM-M-11758-2025

Rajguru Nagar and found the right tyre flat. When he was taking out tool kit, four/five persons came there with muffled faces who pointed pistol on his forehead and snatched his car make Swift Model 2014 bearing registration No. PB-10ER-9744 in which his two mobile phones make 16 Pro Max and Samsung S-20 were also kept in the car.

5. That after recording of the statement of complainant Aman Sharma offence under section 310 BNS, 25/27/54/69 Arms Act was made out. Ruqa was sent through CT Ramandeep Singh to the police station for registration of FIR. Accordingly present FIR No.173 dated 30.12.2024 under section 310 BNS, 25/27/54/69 Arms Act came to be registered against 4/5 unknown persons.”

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. Counsel further submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

5. The State’s counsel opposes bail and refers to the following portion of the reply, which read as follows:

“ Role of the petitioner

1. The petitioner was nominated as an accused in the present case on the basis of CCTV footage relating to the incident dated 30.12.2024, wherein a Swift car bearing registration No. PB10 ER 9744 was forcibly snatched by the co-accused using a white Jetta car bearing registration No. HR 70E 5626, which is registered in the name of the petitioner.

2. In his disclosure statement, the petitioner admitted to being a habitual drug user. He further disclosed that his associates, namely Binder Kumar, Dildarpreet Singh, Arandeep Singh, Gurbhej Singh, Hardeep Singh @ Rocky, and Ramswer Tomer, frequently borrowed his car to commit snatching. After executing the crimes, they return the vehicle and handover a portion of money to the petitioner, which he utilized for purchasing and consuming drugs.”

CRM-M-11758-2025

REASONING:

6. There is sufficient primafacie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.
7. Per the custody certificate dated 05.08.2025, the petitioner’s total custody in this FIR is 06 months & 25 days.
8. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations, role attributed and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.
9. 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.
10. 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.
11. 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) | |
12. This order is subject to the petitioner’s complying with the following terms.
13. 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.
14. 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

CRM-M-11758-2025

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.

15. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

16. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may 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

19.08.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.