

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13463-2025
Reserved on: 07.07.2025
Pronounced on: 16.07.2025

Deepak Yadav @ Mental

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. S.S. Kalra, Advocate,
Mr. Khushkaran, Advocate,
Mr. I.P.S. Sohal, Advocate, for the petitioner.

Mr. Akshay Kumar, A.A.G, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
94	11.05.2022	Moti Nagar, District Ludhiana	392, 395, 148, 149, 201 IPC and 25 of Arms Act

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

2. As per paragraph 14 of the bail application and as per paragraph 17(D) of the status report/custody certificate, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	266	13.05.2022	25, 54, 59 of Arms Act	Sunlight Colony, South Delhi
2.	126	13.05.2022	307, 201 IPC and Sections 25, 54, 59 of Arms Act	Division no.6, Distt. Ludhiana
3.	327	16.11.2021	307, 394, 395 IPC and Sections 25, 54, 59 of Arms Act	Focal Point, Ludhiana
4.	70	28.03.2019	457, 380, 411, 34 IPC	Focal Point
5.	75	01.04.2019	457, 380, 411, 34 IPC	Focal Point
6.	76	15.10.2021	457, 380, 411 IPC	Sadar Raikot

3. The facts and allegations are being taken from the status report dated 06.07.2023 filed by the State, which reads as follows:

“4. That it is respectfully submitted that on receipt of order dated 18.03.2025 passed by this Hon’ble Court, the deponent has perused the record of the case with the assistance of SHO Police Station Moti Nagar, Ludhiana. After perusal of record, it is revealed that the FIR No.94 dated 11.05.2022, U/s 392, 148, 149, 201 IPC (Section 395, 201 IPC and 25 of

Arms Act added later on), Police Station Moti Nagar, Ludhiana came to be registered against five unknown persons on the basis of statement made by the complainant Akshay Ahuja to the following effect:

Statement of Akash Ahuja son of Mr. Naresh Mohan Ahuja, resident of House No. D-428, Mohalla Ranjit Avenue, District Amritsar, present resident of House No. 966-C, Darsh Nagar, Satnam Pura, Phagwara, District Kapurthala, aged 38 years, contact number 99145xxxx stated that I am a resident of the said address. I am cluster head at Fino Payment Bank, the head office of this bank is at Navi Mumbai and there are 2 branches in Ludhiana city. One branch is at Focal Point Road Sherpur Kalan Ludhiana and one branch is at Durga Colony Dhandari Khurd Focal Point District Ludhiana. Today at 3:25 PM I received a call from Branch Focal Point Road Sherpur Kalan Ludhiana. Pujwal Kumar who is the branch's cashier of Focal point called me at 3:25 PM and informed me that at 3:20 PM, 5 unknown persons came inside the branch and one of the person is armed with Country made Pistol and the others had a sharp iron blade in their hands and they took all the cash I have in the Collection box by threatening me with the arms. Then I dialed 100 number from my phone and informed the control room and when I reached Branch Focal Point Road Sherpur Kalan Ludhiana and inquired from Pujwal Kumar Cashier and calculated the cash amount was 4 lakh 39000 thousand 60 rupees. 2 motorbikes came to the branch and they stole 4 lakhs 39000 thousand 60 rupees cash from Pujwal Kumar cashier of my branch. Against whom appropriate legal actions should be taken, statement is recorded to you, read it, found to be correct.”

4. Counsel for the petitioner submits that he would have no objection in case any stringent conditions this Court might put upon the petitioner including surrender of fire arms, if any and in case, petitioner repeats the offence, where the sentence prescribes 07 years or more, he has no objection if the State files an application for cancellation of bail in the present FIR and in those cases, where he is on bail. He further contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State's counsel opposes bail and refers to the status report.

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

“A. The evidence based on which the petitioner was arraigned as an accused.

i) Supplementary statement dated 19.05.2022 of the complainant.

B. The evidence against the petitioner.

i) Statement of the complainant.

ii) Supplementary statement dated 19.05.2022 of the complainant.

iii) Confession of the petitioner in FIR No.266 dated 13.05.2022, U/s 25/54/59 of Arms Act, Police Station Sunlight Colony, South Delhi.

iv) Recovery of knife and motorcycle PB10DM-7645 from the petitioner.

v) CCTV Footage of FINO Bank showing the petitioner armed with pistol.

vi) Petitioner was identified by the complainant.

vii) Recovery of pistol from co-accused Raj Kumar @ Raju in FIR No.128 dated 10.06.2022 U/s 399, 402 IPC and 25 of Arms Act, Police Station Focal Point, Ludhiana.

C. The role of the petitioner

i) Petitioner alongwith co-accused armed with country made pistol had committed robbery by forming unlawful assembly with his four co-accused from Fino Bank Branch for the sum of Rs. 4,39,060/-."

REASONING:

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. As per paragraph 5 of the bail petition, the petitioner has been in custody since 07.06.2022. As per the custody certificate dated 07.07.2025, the petitioner's total custody in this FIR is 03 years and 26 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 for further pre-trial incarceration at this stage.

8. 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.

9. 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.

10. 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)	

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

12. 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.

13. Given the background of allegations against the petitioner, it becomes paramount to protect the members of society, complainant 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 firearms. [This

restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a 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 of release from prison and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under 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 and also to block the menace of drug abuse. 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. In Md. Tajiur Rahaman v. The State of West Bengal, decided on 08-Nov-2024, SLP (Crl) 12225-2024, Hon'ble Supreme Court holds in Para 7, "It goes without saying that if the petitioner is found involved in such like offence in future, the concession of bail granted to him today will liable to be withdrawn and the petitioner is bound to face the necessary consequences.

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

16.07.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.