

CRM-M-12677-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12677-2025
Reserved on: 03.04.2025
Pronounced on: 22.04.2025

Jujhar Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amit Gupta, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
17	21.01.2025	Gharinda, District Amritsar	25/54/59 of Arms Act (offence u/s 111 of BNS 2023 added later on)

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. In paragraph 13 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That it is submitted that the present case FIR No. 17 dated 21.1.2025, under Section 25/54/59 Arms Act, Police Station Gharinda, Amritsar Rural was registered on the basis of secret information received by ASI Joginder Singh, CIA Staff, Amritsar Rural that Bikram Singh @ Bikram S/o Harjinder Singh R/o Village Bhuse, PS Sarai Amanat Khan, District Tarn Taran receives arms through drone from Pakistan and further supplies the same. He having red colour bag in his hand, was standing on the road leading from Rajetal toward Burj for supplying arms. If he is apprehended instantly then illegal arms can be recovered from his bag.

5. That it is submitted that after sending 'Ruqa', the police party headed by ASI Joginder Singh CIA Staff, Amritsar Rural had apprehended the above said Bikram Singh @ Bikram from the aforementioned place. The red colour bag holding in hand of Bikram Singh@ Bikram was checked in presence of accompanying police officials, during which 04 pistol of 30 bore PX 5 Storm were recovered from the bag. The above said Bikram Singh@ Bikram could not produce any license or any other valid document to keep possession of the above recovered four pistols. Therefore, the above recovered 04 pistols, red colour bag, one mobile phone made Realme and Rs. 100/- recovered during personal search of the above said Bikram Singh @ Bikram were taken into police possession in accordance with law and the accused Bikram Singh @ Bikram was arrested in this case.

6. That it is submitted that the accused Bikram Singh @ Bikram was produced before the learned jurisdictional Court and his police remand was obtained. During police remand, the accused Bikram Singh @ Bikram made volunteer disclosure statement dated 22.01.2025 before the investigating officer that he had got smuggled the above recovered pistols through drone near village Bachiwind from one Smuggler Chacha of Pakistan, which were to be further handed over to one Rupa Singh 2 Ruby S/o Ghula r/o Chamiari now r/o Indira Colony, Gali No. 07, Kot Khalsa, Amritsar as per directions of Smuggler Chacha. Therefore, based on the aforesaid statement, the above said Rupa Singh@ Ruby was also nominated as co-accused in this case.

7. That it is submitted that during the course of investigation of the present case FIR No. 17 dated 21.01.2025 (supra) the above said co-accused Rupa Singh @ Ruby was arrested on 22.01.2025 and was subjected to interrogation, during which he disclosed that he is involved in smuggling of heroin and he used to get smuggled heroin from Pakistan through drone. During personal search of the above said co-accused Rupa Singh@ Ruby, two mobile phones were recovered. The contact list of the mobile phones was checked and found that he used to have conversation with Pakistani smugglers.

8. That it is submitted that the co-accused Rupa Singh @ Ruby was produced before the learned jurisdictional Court and his police remand was obtained. During police remand, the co-accused Rupa Singh@ Ruby made disclosure statement dated 23.01.2025 before the investigating

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officer that he used to sell weapons and heroin and as per directions of Smuggler Chacha, the sale proceeds thereof were used to be handed over to the present petitioner Jhujar Singh by calling him near Jandiala Guru while making him WhatsApp call. The sale proceeds of the above recovered 04 pistols was also to be handed over to the present petitioner Jujhar Singh. Therefore, the present petitioner Jujhar Singh was also nominated as co-accused.”

4. The petitioner's counsel submits that petitioner was not named in the FIR and nothing was recovered from him and he was arrested on the disclosure statement of co-accused. He further 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:

“15. That it is submitted that as per directions being received from his son Kanwaljit Singh living Dubai, the present petitioner Jujhar Singh was receiving sale proceeds of illegal weapon from the co-accused Rupa Singh @ Ruby.”

REASONING:

7. Petitioner is a first offender, nothing was recovered from the possession of petitioner, there are no call details of petitioner with the co-accused, moreover the money was deposited in the account of petitioner's wife, not in his account, as such he is entitled to bail. 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.

8. Per paragraph 8 of the bail petition, the petitioner has been in custody since 23.01.2025. Per the custody certificate dated 02.04.2025, the petitioner's total custody in this FIR is 02 months 07 days.

9. 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.

10. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

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11. 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.

12. 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.

13. 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. 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.

15. 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 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.

16. The conditions mentioned above imposed by this court are to endeavor to reform

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and ensure the accused does not repeat the offense. 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."

17. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

18. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any similar offence or the offence in which sentence is more than 03 years, the State shall file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

19. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

20. 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.

21. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

22.04.2025

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Whether speaking/reasoned: Yes

Whether reportable: No.