

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13376-2025
Reserved on: 07.07.2025
Pronounced on: 16.07.2025

Iqbal Singh @ Nikka ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amandeep Singh Gill, Advocate
for the petitioner.

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

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
197	13.11.2024	City South Moga, Punjab	111, 111(2), 308, 308(2), 308(3) of BNS, 2023

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. In paragraph 12 of the bail petition, the accused declares that he has no criminal antecedents. However, as per the custody certificate, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	34	12.02.2007	61/1/14 of Excise Act	Baghapurana

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

“4. That the instant FIR No. 197(supra) has been initially registered against i) Lakhvir Singh alias Lakhi Brar s/o Mukhtiar Singh ii) Arshdeep Singh alias Arsh s/o Paramjit Singh iii) Gurjeet Singh alias Jagga s/o Jagtar Singh iv) Hardeep Singh alias Honey s/o Charanjit Singh v) Kuldeep Singh s/o Binder Singh vi) Gardaur Singh s/o Bhalla Singh all r/o Charik and their 4/5 unknown accomplice, on the basis of secret information received by ASI Varinder Singh 676/Moga, CIA Staff, Moga on 13-11-2024, to the effect that the aforesaid accused have made organized criminal gang and extorting money from people by making phone calls and threatening to kill them. These calls are made by Lakhvir Singh alias Lucky Brar from Canada and rest of the accused used to

extortion money from the victims. Acting upon the information offence u/s 111, 111(2), 308(2), 308 BNS registered against aforesaid accused.”

4. Counsel for the petitioner submits that he would have no objection in case any stringent conditions this Court might put upon the petitioner 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. 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:

“8. Role of Petitioner:

That the prime accused Lakhvir Singh who is living in Canada and operating a organized criminal gang in India. Lakhvir Singh made threatening phone calls to his targets and his accomplice used to collect the amount from the victims and deliver the same to present petitioner. Petitioner further supply the same amount to Harmeet Singh who had different bank accounts for sending the amount to Lakhvir Singh. As such petitioner is closely associated with the activities of the criminal gang.

9. Evidence Against petitioner:

That the name of the petitioner surfaced during interrogation of co-accused Kuldeep Singh alias Laddu, who suffered a disclosure statement in terms of section 23 BSA in the presence of witness and has been made spontaneously and can be used against petitioner.”

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 13 of the bail petition, the petitioner has been in custody since 16.11.2024. As per the custody certificate dated 05.07.2025, the petitioner’s total custody in this FIR is 07 months and 18 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.