

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13601-2025
Reserved on: 01.09.2025
Pronounced on: 09.09.2025

Gursewak Singh @ Rashpal Singh @ Amlu ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Malkiat Singh Hundal, Advocate
for the petitioner. (through video conferencing).

Ms. Pooja Nayar Sharma, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
213	15.10.2021	Chatiwind Amritsar, District Amritsar Rural	379-B, 395, 201 IPC and 25/27/54/59 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 27 of the bail petition, the petitioner has clean antecedents. However, as per the custody certificate dated 30.08.2025, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	78	16.10.2021	392, 395, 397, 411, 34 IPC	Ghanie Ke Banger
2.	2	05.01.2022	379-B, 201 IPC, 25/54/59-A of Arms Act	Sadar Patti
3.	10	22.01.2022	379-B, 201 IPC, 25 of Arms Act	Sadar Patti
4.	19	24.01.2022	307, 379-B(2), 341, 506, 201, 34 IPC, 25/27/54/59 of Arms Act	Tarn Taran
5.	09	20.01.2022	379-B IPC, 25/27 of Arms Act	Jhabhal
6.	18	11.02.2022	399, 402, 216 IPC, 25/54/59 of Arms Act	Sadar Patti
7.	22	28.01.2022	399, 402 IPC, 21/22/61/85 of NDPS Act, 25/54/59 of Arms Act	Tarn Taran
8.	30	04.10.2022	21, 25, 27-A, 29 of NDPS Act, 25 of Arms Act, 42, 52 of Prison Act	State Special Operation Cell
9.	16	06.05.2022	21/25/29/27-A/61/85 of	State Special

			NDPS Act, 25 of Arms Act	Operation Cell
10.	300	30.12.2021	379-B(2) IPC, 25/27/59 of Arms Act	City Tarn Taran
11.	455	02.12.2022	52-A Prison Act	Goindwal Sahib

3. The facts and allegations are being taken from the translated copy of FIR annexed with the bail petition as Annexure P-1, which reads as follows:

“Statement of Parul Bhardwaj, son of Davinder Kumar, resident of 2698-B, Sector 42-C, Chandigarh, aged about 30 years, mobile number 97795xxx stated that I am resident of the aforementioned address. We are two brothers. I got married approximately eight months ago to Jaipreet Kaur, daughter of Balbir Singh, resident of Dera Baba Nanak. On 14.10.2021, my wife Jaipreet Kaur and myself going Chandigarh to Amritsar at approximately 6:00-6:30 PM board on our silver-coloured Swift car bearing registration number CH-01-BJ-8723 to attend the wedding ceremony of my wife's uncle's son namely Sandeep Singh in Amritsar. Around 9:30-10:00 PM, when we reached near a flyover just past Bus Stand Manawala, I stopped the car on the roadside for toilet. After using the toilet, as I was about to get back into the car, a white-coloured vehicle with five young men inside stopped in front of my car. They were armed and ordered my wife and me to hand over everything we had. Out of fear, my wife stepped out of the car. One of the young men then sat in the driver's seat of my car, while another sat beside him. They drove my car towards Amritsar. Inside my car, there was my laptop, my wallet, and three mobile phones an iPhone 12, a Redmi Note 8, and a Redmi 6 Pro, with SIM numbers 97795xxxx, 88472xxxx, 62804xxxx, and 84370xxxx. Additionally, there was a bag in the car containing clothes for my wife and me, along with gold jewellery, Including a "Jugni" set weighing approximately 3 tolas. my gold chain weighing 2 tolas, and my wife's purse, which contained essential documents. Due to panic, I was unable to note the number of the white vehicle, but I can identify the culprits if presented before me. The unidentified assailants have committed a grave offense. Legal action should be taken against them. I was on my way to the police station with my wife to report this incident. but your goodself met us on the way. Kindly take the necessary legal action. The statement was heard and it is correct.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family. He further submits that the petitioner was earlier on bail and due to non-appearance, his bail was cancelled and now he is in custody.

5. The petitioner's counsel 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.

6. The State's counsel opposes bail on instructions.

REASONING:

7. The petitioner was earlier on bail; however, he failed to appear, which led to the cancellation of the bail vide order dated 26.07.2024, passed by the trial Court. After that, non-bailable warrants as well as proclamation were issued against the petitioner and he was declared proclaimed person by the trial Court vide order dated 05.10.2024.
8. The petitioner was earlier granted bail, and as such, this court is inclined to grant bail subject to the strict condition that the petitioner shall not remain absent from the trial even on a single day. As per custody certificate dated 30.08.2025, petitioner's total custody in his FIR is 02 years and 07 months.
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. 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.

CONDITIONS:

11. 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.
12. 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)	

13. This order is subject to the petitioner's complying with the following terms.
14. The petitioner shall attend the Trial on every date and shall not seek any adjournment.
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

09.09.2025

Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.