

2025:PHHC:073570



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

...Petitioner

...Respondent

Ms. Navreet Kaur Barnala, AAG, Punjab.

CRM-21604-2025

For the reasons mentioned in the application, the same is allowed. The main case is taken up on Board today itself.

In view of the contents and prayer clause of the application, the same is allowed. Annexures P-3 and P-4 are taken on record.

The case was taken up again in second session.

FIR No.	Dated	Police Station	Sections
173	30.12.2024	Sarabha Nagar, District Police Commissionerate, Ludhiana, Ludhiana	310 BnS, 25 & 27 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. In paragraph 11 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the translated copy of FIR (Annexure P-1) which reads as follows:

"Statement of Aman Sharma son of Vijay Kumar, resident of House No.2547, Street No.7, Jammu Colony Police Station Model Town Ludhiana, age about 27 years. Mobile No.73407-29791, 62848-41471, stated that I am a resident of the above address and I am working as a supervisor for liquor vends and Sales Executive in Madusa Beverage Private Limited Ponti Chadda in Ludhiana. Today on dated 30.12.2024 time at about 12:30 a.m., I along with my friends Amandeep, Bhavik and Harpreet Kaur were returning home and then in the way, after dropping Bhavik at 1:30 a.m. at Singh Sabha Gurudwara, Model Town and returning time 2:00 a.m. after having food at Sodhi Chicken were returning to home and at that time while reaching at T-point, Rajguru Nagar, I got down from the vehicle and checked the right side tire and saw that the tire of my vehicle was punctured and for changing the tire, I was taking out a tool from the dicky of the vehicle. Then at that time 4/5 persons whose faces were covered and they put a pistol at my forehead and took away my vehicle by snatching and 4 persons were having pistols and the number of my vehicle No. PB 10 ER 9744 mark Swift color white model 2014 wherein 2 mobile phones one phone 16 Pro Max with SIM 62848-41471 and another phone Samsung M-20 with SIM No. 73407-29791. Please help me to find my vehicle, I have come to you for information."

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, the State shall file an application for cancellation of bail. He further contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family. He further submits that co-accused, namely, Arandeep Singh and Hardeep Singh @ Rocky have already granted regular bail from the learned Additional Sessions Judge, Ludhiana vide order dated 02.04.2025 and 02.05.2025.



5. The State’s counsel opposes bail on instructions. State counsel submits petitioner’s role is similar to other co-accused, who has already been granted bail by the Learned Sessions Court.

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 paragraph 06 of the bail petition, the petitioner has been in custody since 06.01.2025. Per the custody certificate dated 27.05.2025, the petitioner’s total custody in this FIR is 04 months and 16 days.

8. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations, co-accused with similar role has already been granted bail and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

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, 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 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.

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

16. 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.

17. **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 have the liberty to cancel this bail.**

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

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19. 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.

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

(ANOOP CHITKARA)
JUDGE

28.05.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.