

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-37839-2024  
Reserved on: 03.02.2025  
Pronounced on: 19.02.2025

Gurjit Singh @ Ladda ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Saurav Bhatia, Advocate and  
Mr. K.S. Billing, Advocate  
for the petitioner.

Mr. Manpreet Singh Longia, Addl. A.G., Punjab.

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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station                               | Sections                                                                                                                                                                                                                                                                                               |
|---------|------------|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 14      | 10.06.2018 | State Special<br>Operation Cell,<br>Amritsar | 420, 364-A, 382, 386, 387, 212,<br>216, 216-A, 120-B IPC, 42, 52-A<br>of Prison Act and 10, 11, 13 of<br>Unlawful Activities (Prevention)<br>Act 1967 (Sections 10, 11, 13 of<br>UAPA deleted later on) (Charges<br>framed under Section 25 of Arms<br>Act and 420, 364-A, 382, 386,<br>387, 120-B IPC |

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. Per paragraph 8 of reply, the accused has the following criminal antecedents:

| Sr. No. | FIR No. | Date       | Offenses                                                     | Police Station             |
|---------|---------|------------|--------------------------------------------------------------|----------------------------|
| 1.      | 261     | 12.12.2014 | 302, 307, 506, 427, 148, 149<br>IPC, 25-29-54-59 of Arms Act | Lopoke<br>Amritsar Rural   |
| 2.      | 58      | 01.01.2015 | 307 IPC                                                      | Cantonment                 |
| 3.      | 95      | 30.05.2015 | 21-61-85 of NDPS Act                                         | Mataur                     |
| 4.      | 63      | 01.01.2016 | 392, 454 IPC and 25-54-59 of<br>Arms Act                     | Kamboh Am-<br>ritsar Rural |
| 5.      | 55      | 02.04.2016 | 307, 336, 148, 149 IPC and 25-<br>27-54-59 of Arms Act       | Chherretta                 |
| 6.      | 87      | 20.05.2016 | 302, 307, 427, 148, 149 IPC and<br>25-27-54-59 of Arms Act   | Contonment                 |
| 7.      | 202     | 21.09.2016 | 341, 364A, 386, 170, 34 IPC and                              | Sector-36                  |

|     |     |            |                                                                                                                                                                                        |                        |
|-----|-----|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
|     |     |            | 25-54-59 of Arms Act                                                                                                                                                                   |                        |
| 8.  | 142 | 27.11.2016 | 307, 392, 223, 224, 120-B, 148, 149, 201, 419, 170, 171, 353, 186, 212, 216, 489, 467, 468, 471, 473 IPC and 25-27-54-59 of Arms Act and 11-13-16-17-18-20 UAPA Act, 22-29 of NDPS Act | Kotwali Nabha          |
| 9.  | 891 | 01.01.2017 | 420, 467, 468, 471 IPC and (12) (1) of 8 Passport Act                                                                                                                                  | Pooranpur              |
| 10. | 38  | 08.03.2017 | 382 IPC                                                                                                                                                                                | Tanda                  |
| 11. | 58  | 04.04.2017 | 307, 34 IPC                                                                                                                                                                            | Gharinda               |
| 12. | 84  | 19.05.2017 | 307, 365, 363, 364, 366, 379-B, 120-B IPC and 25/54/59 of Arms Act                                                                                                                     | Ajnala, Amritsar Rural |
| 13. | 22  | 15.09.2017 | 364, 382, 386, 387, 212, 216, 216A, 414, 416, 120-B IPC and 21-29-25-61-85 of NDPS Act, 25, 54, 59 of Arms Act                                                                         | SSOC Amritsar          |
| 14. | 50  | 18.09.2017 | 307, 353, 186, 419, 420, 465, 467, 468, 471, 473, 177, 120-B IPC, 12 of Passport Act, 25-54-59 of Arms Act, 11-13-16-17-18-20 of UAPA Act, 22-29 of NDPS Act                           | Sadar Rajpura Patiala  |
| 15. | 138 | 18.08.2018 | 42-52 of Prison Act                                                                                                                                                                    | Islamabad Amritsar     |
| 16. | 11  | 08.01.2020 | 42A, 52A of Prison Act                                                                                                                                                                 | Tripuri Patiala        |
| 17. | 24  | 20.01.2020 | 52-A of Prison Act                                                                                                                                                                     | Tripuri Patiala        |
| 18. | 195 | 03.07.2020 | 52-A of Prison Act                                                                                                                                                                     | Tripuri Patiala        |
| 19. | 12  | 13.05.2021 | 25 of Arms Act, 399, 402, 120-B, 148, 149 IPC                                                                                                                                          | SSOC Amritsar          |

3. The facts and allegations are being taken from reply dated 14.10.2024 filed by State counsel, which reads as follows:

*“2. That, the brief facts of the case are that on dated 10-06-2018, on receipt of a secret information regarding activities of notorious gangsters in Amritsar central jail and use of mobile phones and internet to carry on criminal activities from inside the jail, a case FIR No. 14 Dated 10.06.2018 under section 420, 364-A, 382, 386, 387, 212, 216, 216-A, 120-B of IPC, 42, 52-A Prison Act, 10,11,13 Unlawful Activities Prevention Act Police Station State Special Operation Cell, Amritsar was registered.*

*3. That, the information was immediately shared with jail authorities and jail authorities-initiated search operation inside jail at Chakki No. 17, which resulted in recovery of 01 mobile phone/IMEI No. 3571420802xxxxx concealed beneath the clothes of Taranjot Singh alias Tanna. Thereafter, during search operation, 01 mobile phone/ IMEI No. 3543010825xxxxx with SIM card was recovered from the bushes, behind the backyard of Chakki No. 17,18,19.*

*4. That during the course of investigation on 16.06.2018, petitioner Gurjit Singh alias Lada was formally arrested in this case on production warrant. Thereafter, on his disclosure, 01 mobile phone concealed in the buses behind the backyard of chakki No. 16, inside the jail premises.*

*5. Thereafter, on 16.06.2018, accused Gurjit Singh s/o Kewal Singh r/o Sensra Amritsar Rural was brought on production warrant*

*and formally arrested in this case.*

6. *That during the course of investigation, on 27.06.2018 accused Balwinder Singh alias Dony s/o Harbans Singh r/o Sathiala, PS Beas District Amritsar, Shamsher Singh alias Shera s/o Salwinder Singh r/o Khehra Kalan PS Ghanie Ke Bangar, District Gurdaspur, Ghaniya Lal s/o Hira Lal r/o Khehra Kalan PS Ghanie Ke Bangar, District Gurdaspur and Tarnjot Singh alias Tanna S/o Dalbir Singh R/o Lakhnopal, PS Purana Shala, District Gurdaspur were brought on production warrant and were formally arrested in this case.*

7. *That during the course of investigation, Navdeep Singh alias Navi s/o Malook Singh r/o Kotli Sarookhan, PS Varoval District Tarn Taran and Gurpreet Singh alias Bunty s/o Sahib Singh r/o H No. 182, Gali No 09, Mustafabad, PS Sadar, District Amritsar were identified, as accomplice who were operating as per the instructions of Taranjot Singh alias Tanna and his associates from jail. Thereafter, accused Navdeep Singh alias Navi was arrested on dated 07.07.2018 with one pistol 32 bore, 02 Magazines and 10 live bullets.*

8. *That, on 10.07.2018 on the disclosure of accused Navdeep Singh alias Navi, one car make Sunny reg No. PB02-BS-5125 was recovered from the area of Jalandhar. Thereafter, the name of co accused Gurpreet Singh s/o Sahib Singh r/o H No. 182, Gali No 09, Mustafabad, PS Sadar, District Amritsar came on case file regarding his involvement in extortion/kidnapping activities. Subsequently, on 27.07.2018, acting on a specific input police party of SSOC ASR arrested co accused Gurpreet Singh in this case.*

9. *That, during technical analysis of the recovered phones, the names of Anand Kishore s/o David Masih r/o Dadhu Jodh PS Fatehgarh Churian Gurdaspur, Yuvraj Singh s/o Saraj Singh r/o Talwandi Bhangwan PS Fatehgarh Churian Gurdaspur and Pargat Singh s/o Kuldeep Singh r/o Churia PS Makhu District Ferozepur already lodged in jail were identified, who had arranged sim card in their own name and smuggled them into jail premises. They were formally nominated and arrested on dated 21.09.2018, after seeking their production warrant to ascertain their involvement in providing sim card to jail inmates.*

10. *That during the course of investigation, petitioner alongwith arrested accused were found to be in possession of mobile phones and were involved in criminal activities. Thereafter, challan was presented against the petitioner Gurjit Singh alias Lada and accused Balwinder Singh alias Doni, Gurjit Singh, Ghaniya Lal, Shamsher Singh alias Shera, Anand Kishore, Yuvraj Singh, Navdeep Singh alias Navi, Taranjot Singh alias Tanna, Gurpreet Singh alias Bunty, Pargat Singh, under 420, 364-A, 382, 386, 387, 212, 216, 216-A, 120-B IPC, 42, 52-A Prison Act, 25 Arms Act, in the Hon'ble Trial Court on dated 06.12.2018. Subsequently, charges were framed on 16.12.2019 by the hon'ble trial court in this case. Now case is fixed for 14.11.2024, for prosecution evidence."*

4. The petitioner's counsel 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. He further prays for bail on the grounds of parity with co-

accused.

5. The State's counsel opposes bail.
6. An analysis of the arguments advanced would lead to the outcome that the petitioner along with co-accused was found to be in possession of mobile phones and they were involved in criminal activities and in heinous crime of extortion.
7. 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.
8. Per paragraph 6 of the bail petition, the petitioner has been in custody for more than 05 years. Per the custody certificate dated 03.02.2025, the petitioner's total custody in this FIR is 04 years, 08 months and 06 days.
9. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie 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.
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. This order is subject to the petitioner's complying with the following terms.

15. 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.

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 shall file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

18. The concerned trial court is authorized to delete, modify, or relax any of the above conditions and shall be competent to do so in accordance with the law.

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

19.02.2025  
Jyoti Sharma

Whether speaking/reasoned: Yes  
Whether reportable: No.