

CRM-M-16064-2025
Reserved on: 06.05.2025
Pronounced on: 19.05.2025

...PETITIONER

VERSUS

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sunil Panwar, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
135	10.06.2024	Gharinda, District Amritsar	25/54/59 Arms Act and Section 25(7) (8) of Arms Act, 1959 added later on

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. Per paragraph 06 of the bail petition and 12 of the reply, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	256	12.12.2021	25 Arms Act	Dirba, District Sangrur
2.	47	12.06.2024	18 of NDPS Act	Mehta, Amritsar (Rural)

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

“xxx xxx xxx xxx

2.That the brief and relevant facts of the case are that the aforesaid FIR No. 135 dated 10.06.2024 was registered at the Police station Gharinda, Amritsar (Rural), on the basis of a 'Ruqa' sent by Sub- Inspector Gopal Singh, mentioning therein that during the patrolling and search of bad elements in the Gharinda Area, Amritsar, the petitioner and co-accused Shubam Kumar were apprehended by him while coming on Fortuner Car No. KA-42-M-5357 on the basis of secret information and one pistol of .30



bore and 5 live bullets of 30 bore were recovered from the petitioner and 4 bullets of .30 bore were recovered from the co-accused Shubam Kumar. The detailed facts leading to the recovery of .30 bore pistol and 5 live bullets of .30 bore recovered from the petitioner and 4 bullets of .30 bore recovered from the co-accused Shubam Kumar as mentioned in the aforesaid FIR No. 135 dated 10.06.2024 have been reproduced in its true translation attached with the petition as Annexure P-I, which may kindly be read as part of the present paragraph as same are not repeated here for the sake of brevity.

4. Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The petitioner had approached the learned trial Court for bail which dismissed the same vide order dated 20.11.2024. On instructions he further submits that in case this Court grants bail to the petitioner, he undertakes to live like a decent human being and a civilized member of the society. He further prays for bail by imposing stringent conditions including surrender fire arms, if any. In case, petitioner repeats the offence or commits any offence where the sentence is more than 07 years, he would have no objection, if State files an application for cancellation of his bail. He further contends that 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 reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“xxx xxx xxx xxx

Evidence against the petitioner

8. That there is direct recovery of one .30 bore pistol recovered from the petitioner at the time of arrest and two 30 bore pistols and one Assault rifle was recovered at the instance of the petitioner pursuant to his disclosure statements.

Role of the petitioner

9. That as per the version of the prosecution, the petitioner is actively involved in smuggling and supply illegal weapons and the petitioner is a main kingpin, who along with his accomplices were involved in smuggling and supplying illegal weapons.”

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. Per paragraph 7 of the bail petition, the petitioner has been in custody since 10.06.2024. Per the custody certificate dated 05.05.2025, the petitioner’s total custody in this FIR is 10 months and 21 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

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. 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.

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

15. 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.

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

(ANOOP CHITKARA)
JUDGE

19.05.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.