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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16393-2025 (O&M)
Date of Decision : 12-05-2025

Sandip Singh @ Sandeep Singh @ Balwan
.....Petitioner(s)

Versus

State of Punjab
.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Raghav Soni, Advocate for the petitioner.

Mr. Sukhwinder Singh Rai, DAG, Punjab.

ANOOP CHITKARA, J. (Oral)

FIR No.	Dated	Police Station	Sections
157	30.09.2024	Cantonment, Amritsar	304(2), 3(5), 238, 317(2) BNS and Section 25 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. Per paragraph 11 of the bail petition and 17 of reply, petitioner no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“4. That it is submitted that the present case FIR No. 157 dated 30.09.2024, under Section 304 (2), 3 (5) BNS, Police Station Cantonment, Amritsar based on the written complaint submitted by the Complainant Manish Kumar, wherein it was alleged that on 29.09.2024 at about 9:55PM, the complainant was going on his Activa scooter No. PB02-EL- 4253 was going towards Ranjit Avenue, Amritsar from Chheharta side and when he reached some ahead of Holy city then one motorcycle SP, colour black came from backside. They stopped their motorcycle in front of Activa of the complainant. The pillion rider of the motorcycle took out key from Activa scooter of the complainant. The driver of the motorcycle along with his accomplices snatched Activa scooter, Rs. 2000/- and mobile phone make Realme having SIM No. 7889145405 from the complainant and fled away from the spot. The complainant made efforts to search his Activa scooter at his own level but could not find.”
4. Petitioner’s counsel submits that in case the petitioner is granted bail, he has no objection to imposing of any stringent conditions, including surrender of firearms and the petitioner further undertakes that during the period of bail, he shall not commit any offence and in case he commits any offence in which the sentence provided is more than

seven years, the State shall be at liberty file an application for cancellation of his bail, to which he will not raise any objection.

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:

“THE ROLE OF THE PETITIONER

16. That it is submitted that the present petitioner Sandeep Singh @ Balwan along with co-accused Gaurav Rana @ Gaurav and Raunak had snatched Aactiva scooter, mobile phone and cash amount Rs. 2000/- from the complainant. At the time of commission of crime, the present petitioner Sandeep Singh @ Balwan was sitting on pillion seat of the motorcycle and he had taken out key from Aactiva of the complainant and he had kept snatched mobile phone with him.

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.
8. Per paragraph 6 of the bail petition, the petitioner has been in custody since 02.10.2024. Per the custody certificate dated 10.05.2025, the petitioner’s total custody in this FIR is 7 months and 5 days.
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 further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.
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. This order shall come into force from the time it is uploaded on this Court's official webpage.
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. Given the background of allegations against the petitioner, it becomes paramount to protect the victim, and their family members, as well as the 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 firearm(s). [This restriction is being imposed based on the preponderance of evidence of probability and not of evidence of certainty, i.e., beyond 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 from release from prison and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in 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. **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 be empowered and competent 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.

12-05-2025
AK

(ANOOP CHITKARA)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO