

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16620-2025
Reserved on: 09.07.2025
Pronounced on: 16.07.2025

Gurlal Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gurmeet Singh Saini, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0108	13.12.2024	Ajitwal, District Moga	25(6)/25(7)/25(8) 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. Per paragraph 10 of the bail application and 11 of the short reply filed by the State, the petitioner has clean antecedents:

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

“4. That brief facts of the case are that on 13.12.2024 a police party of CIA Staff, Moga headed by ASI Ashok Kumar, alongwith laptop/printer was present at Bus Stand Ajitwal, in connection with patrolling and checking of suspected persons then special informer came there and informed that Gurlal Singh son of Narain Singh resident of Nissing and Hardeep Singh @ Deepa son of Gurmeet Singh resident of Ghall Khurd are having links with gangsters and both of them are indulged in the smuggling of weapons. Both of them obtained illegal weapons. Now said Gurlal Singh alongwith illegal weapon is present in Grain Market, Ajitwal and is waiting for somebody, in case raid is conducted then he can be apprehended red handed. On the basis of said information ASI Ashok Kumar sent ruqa to the police station and got registered the present case.”

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.

5. The State’s counsel opposes bail and refers to the short reply.

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

*“9. **The evidence against the petitioner:** As detailed above was apprehended red handed, so there is sufficient evidence on the file to connect him with the offences.*

*10. **The role of the petitioner:** On 13.12.2024 petitioner was apprehended red handed by the police party and from his possession 4 pistols i.e. two of 32 bore and two of 30 bore and 4 live cartridges of 32 bore and 3 live cartridges of 30 bore were recovered.”*

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 3 of the bail petition, the petitioner has been in custody since 13.12.2024. Per the custody certificate dated 08.07.2025, the petitioner’s total custody in this FIR is 06 months and 22 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

16.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.