

CRM-M-21557-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21557-2025
Reserved on: 09.07.2025
Pronounced on: 24.07.2025

Raju Kumar alias Raju ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Lakshay Bector, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
94	11.05.2022	Moti Nagar, Distt. Ludhiana	392/148/149/201 IPC and (Sections 395/201 IPC & Section 25 of Arms Act added later on)

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 6 of the bail petition as well as custody certificate dated 08.07.2025, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	126	13.05.2022	307 IPC and 25 of Arms Act	Division 6, Industrial Area
2	128	10.06.2022	399, 402 IPC and 25 of Arms Act	Focal Point
3	119	30.05.2022	392 IPC and 25 of Arms Act	Focal Point

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

“Statement of Akash Ahuja Son of Mr. Naresh Mohan Ahuja Resident of House No. D-428 Mohalla Ranjit Avenue District Amritsar present Resident of House No. 966 CA Darsh Nagar Satnam Pura Phagwara

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District Kapurthala age 38 Years 991454979 stated that I am a resident of the said address. I am cluster head at Fino Payment Bank, the head office of this bank is at Navi Mumbai and there are two branches in Ludhiana city. One branch is at Focal Point Road Sherpur Kalan Ludhiana and one branch is at Durga Colony Dhandari Khurd Focal Point District Ludhiana. Today at 3:25 PM I received a call from Branch Focal Point Road Sherpur Kalan Ludhiana. Pujwal Kumar who is the branch's cashier of Focal point called me at 3:25 PM and informed me that at 3:20 PM, 5 unknown persons came inside the branch and one of the person is armed With Country made Pistol and the others had a sharp iron blade in their hands and they took all the cash I have in the Collection box by threatening me with the arms. Then I dialed 100 number on my phone and informed the control room and when I reached Branch Focal Point Road Sherpur Kalan Ludhiana and inquired from Pujwal Kumar Cashier and calculated the cash amount was 4 lakh 39000 thousand 60 rupees. 2 motorbikes came to the branch and they stole 4 lakhs 39000 thousand 60 rupees cash from Pujwal Kumar cashier of my branch. Against whom appropriate legal action should be taken, statement is recorded to you, read it, found to be correct. Sd/ Akshay verified by Kuldeep Singh HC/2141 Police station Moti Nagar, Ludhiana dated 11.05.2022."

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. Counsel further submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Special Judge or Sessions Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no 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:

"That during the police remand, the petitioner made confession that on 11.05.2022 he alongwith Deepak Yadav @ Mental, Anik Lal Singh @ Pardeep, Kalu @ Rahul and Lambu @ Rahul had committed robbery from Phino Bank Branch, Ludhiana and further confessed that he had received a sum of Rs.50,000/- from the approximate total amount of Rs.4,39,060/- and that he had misappropriated the same and further disclosed that the

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country made Pistol used in the commission of crime was handed over to him by the accused Deepak Yadav @ Mental and the same has been got recovered by the police in FIR No.128 dated 10.06.2022, U/s 399, 402 IPC and Section 25 of Arms Act, P.S. Focal Point, Ludhiana. Based upon the above said information, Section 201 IPC was added in the above said FIR.”

REASONING:

7. Allegations against the petitioner are serious in nature, but considering the custody undergone by the petitioner, this Court deems it appropriate to grant one opportunity to the petitioner to course correct. 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 8 of the bail petition, the petitioner has been in custody since 17.06.2022. Per the custody certificate dated 08.07.2025 the petitioner’s total custody in this FIR is 03 years & 19 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. 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.

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. 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

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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.

15. The petitioner shall not repeat the offense and shall be bound by the abovementioned condition.

16. 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.

17. 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."

18. 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.

19. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the Special Judge/ Sessions Court having jurisdiction over this FIR, which

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shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

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

21. 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.

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

(ANOOP CHITKARA)
JUDGE

24.07.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.