

CRM-M-24598-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24598-2025
Date of Decision: 26.08.2025

Davinder Singh @ Baba ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Tejbir Singh Hundal, Advocate
for the petitioner.

Ms. Pooja Nayar Sharma, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
89	31.10.2024	Mehna, District Moga	111, 111(2), 111 (3), 111 (4), 318 (4), 341 (2) BNS and Sections 25 (6) (7) (8)/54/59 of 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 6 of the bail petition and paragraph 10 of the status report filed by the State, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1	120	18.08.2020	Baghapurana	308/326/325/323/324/148/149 IPC
2	138	16.09.2020	Baghapurana	302/307/452/148/149 IPC
3	108	27.07.2024	Baghapurana	115/190/117(2) of BNS
4	120	13.08.2024	Baghapurana	115(2)/126(2)/133/191 BNS
5	154	15.10.2024	Baghapurana	25/27 Arms Act, 109/221/132/62/190/191 BNS

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

“4. That brief facts of the case are that on 31.10.2024 a police party headed by ASI Balwinder Singh of CIA Staff, Moga alongwith printer and laptop was present at Bus Stand Mehna, situated at Moga-Ludhiana Road, then special informer came there and informed that Gurdeep Singh @ Neeta son of Major Singh r/o Khosa Pando, Lovepreet Singh



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@ Lovi son of Buta Singh resident of Khosa Pando, Gobind Singh @ Kundan son of Resham Singh r/o Manuke, Davinder Singh @ Baba (Petitioner) son of Avtar Singh r/o Kale Ke, District Moga, Jaspreet Ram @ Jassi son of Tarsem Lal resident of Rajeana who are habitual of committing organized crime as one gang member and earlier also various cases have been registered against them and they are proclaimed offender. They are gathering in order to commit some big crime in Moga City and among them Gurdeep Singh Neeta along with illegal ammunition in Mohindra XUV color White No DL12CN7991 which bears forged Plat number is present near Godam Link Road Village Bughipura Main GT Road Moga Ludhiana and is waiting for remaining accomplices. If raid be conducted now then Gurdeep Singh @ Neetal could be apprehended and illegal arms ammunition could be recovered from him. The information is solid and reliable therefore act of Gurdeep Singh @ Neeta, Lovepreet Singh @ Lavi, Gabind Singh @ Kundan, Gobind Singh @ Kundan @ Baba Ram Jassi of coming organized crime as a gang pasting forged number on the vehicle and possessing weapons the ingredients of offence under section 111, 111(2), 111(3), 111(4), 318(4), 341(2) BNS 25 (6), (7), (8)-54-59 of Arms Act is made about against them. So, ASI Balwinder Singh got registered the present case by sending the ruqa to the police station."

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 petitioner's counsel 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 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.

6. The State's counsel opposes bail and refers to para 5 to 7 of the status report, which read as follows:

"5. That then police party headed by ASI Balwinder Singh moved towards the place informed by the informer. When police party reached near Godam Link Road, Bughipura Main GT Road, Moga-Ludhiana, then one Mahindra XUV car was spotted which was lying parked near Bus Stand. Then ASI Balwinder Singh got stopped the vehicle and apprehended the driver of said car, with the help of police party. On enquiry driver disclosed his name as Gurdeep Singh @ Neeta son of Major Singh r/o Khosa Pando. During search of Gurdeep Singh @ Neeta one



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country made 32 bore pistol was recovered, which was hanging backside of his jeans near waist. During checking of pistol, 2 live cartridges of 32 bore were recovered from its magazine. During checking of said Mahindra XUV bearing no. DL12CN7991, two number plates i.e. DL12CN-7991 and PB29AF-3284 were recovered. Parcel of recovered country made pistol was prepared.

6. That during investigation of the case, on 14.11.2024 accused Davinder Singh @ Baba son of Avtar Singh and Jaspreet Ram @ Jassi were arrested by the police party and from their possession one Verna car No. PB29AG-2680 was recovered. During personal search of accused Davinder Singh (Petitioner) 2 live cartridges of 32 bore were recovered from left pocket of his pant. During search of Jaspreet Singh @ Jassi one country made 32 bore pistol was recovered and during checking of said pistol, 2 live cartridges of 32 bore were recovered from its magazine. Parcel of recovered weapons was prepared and same was sealed by ASI Balwinder Singh with his seal BS and sample seal was prepared separately.

7. That during investigation of the case, on 05.01.2025 petitioner surrendered before this Hon'ble Court."

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 the custody certificate dated 25.08.2025, the petitioner's total custody in this FIR is 09 months and 10 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 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

11. Given the 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 or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

12. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead

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of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the “Chief Judicial Magistrate” of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

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. Given the background of allegations against the petitioner, it becomes paramount to protect 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 society; it would also restrain the accused from influencing the witnesses and repeating the offense.



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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. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

20. 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 concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

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

22. In *Amit Rana v. State of Haryana*, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that "To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished."



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

(ANOOP CHITKARA)
JUDGE

26.08.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.