

CRM-M-25594-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25594-2025
Reserved on: 09.07.2025
Pronounced on: 31.07.2025

Kuldeep Singh alias Bitta ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Raman Kumar, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
55	16.03.2025	Sidhwan Bet, District Ludhiana	25/54/59 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 13 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	219	18.10.2023	25/54/59 of Arms Act	City Jagraon, Distt. Ludhiana
2	40	27.02.2019	307/506/148/149 IPC and 25/54/59 of Arms Act	Sidhwan Bet, Distt. Ludhiana
3	321	16.08.2017	15/61/85 of NDPS Act	Sadar Jagraon, Distt. Ludhiana
4	79	11.06.2022	336, 341, 148, 149, 506 IPC and 25-27-54-59 of Arms Act	Laddowal
5	151	15.09.2024	15/25/61/85 of NDPS Act	Dharamkot
6	219	18.10.2023	25/54/59 of Arms Act	City Jagraon
7	31	14.03.2020	341/323/324/120B/148/149 IPC	Sidhwan Bet
8	106	17.06.2023	341/323/506/148/149 IPC	Sidhwan Bet
9	156	23.06.2023	392/402 IPC and 25/61/85 of NDPS Act	Sadar Fazilka
10	19	19.01.2019	336/506/148/149 IPC and 25 of Arms Act	Sidhwan Bet

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

“2. That the brief facts of the case are that on 16-03-2025 police party headed by ASI Balwinder Singh, CIA Staff, Jagraon was present at the bridge of canal in the area of village Sidhwan Bet. ASI Balwinder Singh received secret information that Kuldeep Singh Bitta son of Pritam Singh resident of village Khurdshedpura has in possession of illegal weapon and he can commit serious offence. He is waiting for any person while on standing on the bridge of drain on Sidhwan Bet Nakodar Road. If raid is conducted then he can be apprehended with illegal weapon. The information was found reliable. So ASI Balwinder Singh sent ruqa to the police station PS Sidhwan Bet and got registered FIR No. 55 dated 16-03-2025 u/s 25 Arms Act PS Sidhwan Bet against the petitioner.

3. That thereafter the police party conducted raid at the bridge of drain on Sidhwan Bet Nakodar road and the petitioner was found standing near the bridge. ASI Balwinder Singh apprehended the petitioner and conducted his search. On search one country made pistol.32 bore and two live cartridges loaded in the pistol were recovered. Sketch of the pistol was prepared and thereafter prepared one parcel of the pistol, magazine and 2 live cartridges and sealed by the I.O. with his seal bearing impression BS and taken into possession. The petitioner was arrested in this 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. 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, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial quantity, or violates S. 19, or 24, or 27-A of the NDPS Act, 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.

REASONING:

6. Although there are massive criminal history, but considering the undertaking given by the petitioner and the fact that FSL report is awaited, petitioner makes a case for bail. 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. Per the custody certificate dated 08.07.2025 the petitioner’s total custody in this FIR is 03 months & 20 days. 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.
7. 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.
8. 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.
9. 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) | |
10. This order is subject to the petitioner’s complying with the following terms.
11. 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.
12. 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 firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the

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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 of release from prison and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under 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.

13. 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.

14. 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, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial, or violates S. 19, or 24, or 27-A of the NDPS Act, the State shall file an application to revoke this bail before the Special Judge/ Sessions 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.

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

16. 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.

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

(ANOOP CHITKARA)
JUDGE

31.07.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.