

CRM-M-28079-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28079-2025
Reserved on: 08.07.2025
Pronounced on: 24.07.2025

Gurjit Singh alias Ladda ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kuljinder Singh Billing, Advocate
for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
50	18.09.2017	Sadar Rajpura, District Patiala	307, 186, 353, 467, 468, 473 IPC and 25 of Arms Act (Sections 419, 420, 465, 471, 177, 120B, 212, 216 IPC r/w Section 12 of Passport 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 22 of the bail petition as well as custody certificate dated 07.07.2025, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	22	15.09.2017	364, 382, 386, 387, 212, 216, 216A, 414, 416, 120B IPC and 29-25-61-85 of NDPS Act and 25-54-59 of Arms Act	State Special Operation Cell
2	55	02.04.2016	307, 336, 148, 149 IPC and 25-27-54-59 of Arms Act	Chherretta
3	14	10.06.2018	420, 364A, 382, 386, 387, 212, 216, 216A, 120B IPC and 45/52 A of Prison Act and Sections 10-11-13 of Unlawful Activity	State Special Operation Cell
4	58	04.04.2017	307-34 IPC	Gharinda
5	72	19.05.2016	307/427/148/149 IPC and	Bhikhiwind

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			25/27/54/59 of Arms Act	
6	261	12.12.2014	302, 307, 506, 427, 148, 149 IPC and 25/29/54/59 of Arms Act	Lopoke
7	138	18.08.2018	42-52 of Prison Act	Islamabad
8	12	13.05.2021	25 of Arms Act and 399-402-120B-148-149 IPC	State Special Operation Cell
9	38	08.03.2017	382 IPC	Tanda
10	142	27.11.2016	307-392-223-224-120B-148-149-201-419-170-171-353-186-212-216-489-467-468-471-473 IPC and 25/27/54/59 of Arms Act, Sections 11-13-16-17-18-20 of UAPA Act 1967 and Sections 22-29 of NDPS Act	Kotwali Nabha
11	84	19.05.2017	307, 365, 363, 364, 366, 379-B, 120B IPC and 25/54/59 of Arms Act	Ajnala
12	87	20.05.2016	302, 307, 427, 148, 149 IPC and 25/27/54/59 of Arms Act	Contonment
13	95	30.05.2015	21-61-85 of NDPS Act	Mataur
14	11	08.01.2020	42A, 52A of Prisons Act	Tripuri
15	145	03.09.2013	323, 324, 34 IPC	Jhabbal
16	15	20.02.2014	323, 324, 427, 34 IPC	Sarai Khan Amanat, Distt. Taran Taran
17	212	24.06.2014	382, 506, 34 IPC	Zirakpur, Distt. Mohali
18	115	30.09.2014	302, 148, 149 IPC	Sarai Khan, Amanat, Distt. Tarn Taran
19	58	18.03.2015	307, 364, 341, 427, 148, 149 IPC r/w Section 25 of Arms Act	Contonment, Distt. Amritsar City
20	106	15.09.2016	392 IPC	Kartarpur, Distt. Jalandhar Rural
21	202	21.09.2016	341, 364A, 386, 170, 34 IPC	Sector 36, Chandigarh
22	142	27.11.2016	307, 392, 323, 324, 148, 149, 120B, 201, 419, 170, 171, 353, 186, 212, 216 IPC r/w 25/27/54/59 of Arms Act r/w Sections 11, 13, 16, 17, 18, 20 of Unlawful Act 1967 and Sections 22/29 of NDPS Act	Kotwali Nabha

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

“That brief facts of the present case are that the present FIR no. 50/2017 has been registered against the accused/petitioner on the basis of ruqa sent by Inspector Bikamjit Singh, In charge CIA Staff, Patiala, in which he alleged that on 18.09.2017, Inspector Bikamjit Singh, In charge CIA Staff, Patiala along with police party were present at Near Shiv Mandir Nalas, Rajpura for the search of bad elements, where informer gave information to Inspector Bikramjit Singh that Gurjeet Singh @ Ladda son of Inderjit

Singh, who is having relations with many gangsters and have forged a gang with Vicky Gonder, Harry Chatha, Gopi Ghanshampur, Gopi Koda, Sukh Bikhriwala and Prema Lohoriya and are habitual of committing dacoits and kidnapping and is involved in Nabha Jail Break Case and is having arms and also prepared forged documentary proof by affixing his photographs, is coming from Chandigarh-Mohali to Rajpura via Village Manakpur Khera in a Pajero of Blue white color having forged number plate. If nakabandi is conducted then he can be apprehended with large quantity of weapons and forged identity proofs. Being a reliable information, Nakabandi was conducted by Inspector Bikramjit Singh. After some time a Pajero bearing Regd. no. HR-26-AX-2018 came from Manakpur side which was being driven by a Hindu gentleman. Inspector Bikramjit Singh apprehended the accused/petitioner from the said car with the help of police party and during his personal search, one pistol Magazine 30 Bore was recovered from his left dub and while unloading the same 6 live cartridges were recovered from the same and 44 live cartridges were also found from the right pocket of his parit. The rough sketch plan of the recovered pistol was prepared. The pistol along with cartridges was taken into police possession in a parcel and the same was sealed with the seal BS. Sample seal was also prepared and after using the same, it was handed over to ASI Balwinder Singh. Case property was taken into possession. From the dash board of Pajero bearing regd. No.HR-26-AX-2018 one RC bearing No.PB-11-CD-7979 and one Voter Card No.YEM 1089425 which was containing the photograph of Gurjit Singh and was in the name of Surjit Singh son of Jaspal Singh and was issued from Uttar Pradesh and one Pan Card no.HEDPSS1408L in the name of Surjit Singh son of Jaspal Singh which was containing the photographs of Gurjit Singh were recovered. The above said Pajero along with RC, Voter Card and Pan Card were taken into possession.”

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

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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:

"The role of the petitioner:

That it is respectfully submitted that the accused/petitioner played the primary and central role in the commission of the offences. He was the main accused who: (i) Attempted to commit murder of police officials by deliberately trying to run them over with his vehicle; (ii) Was found in illegal possession of firearms and ammunition; (iii) Was using forged identity documents; (iv) Was the mastermind behind the criminal network involved in multiple serious offences; (v) Was actively involved in preparation and use of fake identity documents and passports; (vi) Was the leader of the criminal gang involved in dacoity, kidnapping, extortion and other serious crimes as admitted in his own disclosure statement. His role is that of a main accused and not merely an abettor or minor participant."

REASONING:

7. Main allegation against the petitioner are that he tried to run his vehicle upon the police officials and has a massive history of criminal case. There is sufficient prima facie evidence connecting the petitioner with the alleged crime and he is not entitled to bail on merit. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

8. Per the custody certificate dated 07.07.2025, the petitioner's total custody in this FIR is 05 years, 04 months & 25 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.

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.

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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 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. 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.
16. 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.”

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17. 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.

18. 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.

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, 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.

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.