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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28099-2025
Date of Decision: 28.05.2025

Gautam Randhawa ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. B.R. Rana-I, Advocate for the petitioner.

Mr. Akshay Kumar, A.A.G, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
26	05.04.2024	Division No. 3, Police Commissionerate, Ludhiana	379-B (2) and 34 IPC

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. In paragraph 08 of the bail petition, the petitioner mentions that he is involved in one another case of theft but no details have been mentioned.
3. The facts and allegations are being taken from the translated copy of FIR being extracted in para-1 of the bail petition, which reads as follows:
- "Statement of Shatrughan Kumar son of Sri Ram Japudas resident of Chintanpura Police Station Pipra Distt. Motihari State Bihar presently residing on rent at B-11192 Fateh Ganj Street No. 2, Ludhiana aged about 26 years stated that I am resident of above said address. Last night around 12.30 AM to 12.50 AM I alongwith my friends Kundan Kumar son of Umesh Das and Kamod Kumar son of Vijay Das resident of Ranjita Ward No. 14, Police Station Harsidi Distt. Motihari Station Bihar were going to our residence from Ludhiana Station when we were going from Husiarpuri Chat Bhandar to Mohalla Harbanspura street and we reached street No. 2, two boys were going in front of us. Seeing us, they turned towards the street on the pretext of changing the way. When we passed a little ahead off them in the side street, both the boys called out to us and asked us where to go, when we said that we are coming to the station, the two boys started pushing us and took away the mobile*



phones of all three of us, but my friends, who had come to Ludhiana for the first time, were afraid. But when I resisted the youths, they started attacking me with bricks, during which a brick hit my head and both the attackers ran away without stolen mobile phone. I called my employer Akash Malhotra, who admitted me to the civil hospital, from where Dr. Sahib discharged me with a bandage. Until now, I alongwith my employer had been searching for the said attackers, who confirmed to us that the young men who caused injuries and snatched our mobile are Gursimran Singh son of Amritpal Singh resident of Chori Sadak Bajra Mohala and Gautam resident of Harbanspura Ludhiana to whom I can identify but I am going alongwith my employer Akash Malhotra to police station to give information. Due legal action be taken.”

4. Counsel for the petitioner submits that he would have no objection in case any stringent conditions this Court might put upon the petitioner including surrender of fire arms, if any and in case, petitioner repeats the offence, the State shall file an application for cancellation of bail. He further contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family. He further submits that co-accused has already been granted benefit of bail vide order dated 30.07.2024 passed in CRM-M-30710-2024.

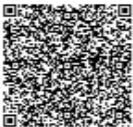
5. The State’s counsel opposes bail on instructions.

REASONING:

6. 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 04 of the bail petition, the petitioner has been in custody since 22.10.2024. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, co-accused has already been granted bail and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

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 victim/complainant, 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 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. **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

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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

28.05.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.