

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29641-2025
Reserved on: 03.07.2025
Pronounced on: 15.07.2025

Prabhjot Singh @ Kaku

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sumit Dua, Advocate
for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Section
78	13.06.2019	Division No.5, Distt. Jalandhar	25 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. In paragraph 15 of the bail petition, the accused declares that he has no criminal antecedents. However, as per paragraph 14 of the reply, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	201	20.12.2019	21/29 of NDPS Act	Kartarpur, Jalandhar Rural

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

“4. That present FIR No.78 dated 13.06.2019 under Section 25 of Arms Act, Police Station Division No.5, Jalandhar was registered at Police Station Division No.5, Jalandhar on the statement of ASI Jaswinder Singh and it was initially registered against Mahinder Singh, Talwinder Singh (accused Harpreet Singh, Vishesh, Varun Sharma and Prabhjot Singh i.e. petitioner and Shabnamdeep Singh were nominated lateron) with the allegations that secret informer informed ASI Jaswinder Singh that Mahinder Singh @ Vicky and Talwinder Singh @ Bunt Purewal are in possession of illegal weapons and they can cause any occurrence with said weapons as many other cases are already registered against them and in case they can be apprehended while venturing out of their home then illegal weapons can be recovered from them and on this suspicion present FIR was registered against Mahinder Singh and Talwinder Singh.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

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:

“10. That accused Varun and Prabhjot (petitioner) were arrested on 22.09.2019 and one country made pistol 0.32 bore and three live cartridges were recovered from petitioner and co-accused Varun.”

REASONING:

7. The petitioner was earlier on bail; however, he failed to appear, which led to the cancellation of the bail by the trial Court and he was declared proclaimed offender.

8. The petitioner was earlier granted bail, and as such, this court is inclined to grant bail subject to the strict condition that the petitioner shall not remain absent from the trial even on a single day.

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.

CONDITIONS:

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 attend the Trial on every date and shall not seek any adjournment.

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

15.07.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.