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2025:PHHC:124592



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-30288-2025

Date of decision: September 11, 2025

Harinder Singh @ Hinda

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Gurmehar Singh Minhas, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Additional AG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No.100 dated 17.10.2024, registered for the offences punishable under Sections 25, 25(1), 1(B), 25(7), 25(8) of the Arms Act, 1959 (for short 'Arms Act') and Section 111(4) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), at Police Station Bhargo Camp, Jalandhar.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:

"Chief Officer, Police Station Bhargo Camp Commissionerate, Jalandhar "Jai Hind" today I along with ASI, SR/CT Sukhdev Singh 3176, Constable Sulakhan Ahir 1310, Constable Dilraj Singh 951 and Constable Jugraj Singh 2135, carried out patrol and checking of private vehicles carrying printers and laptops in connection with suspicious men at Ravidas Chowk, Jalandhar. A patriotic person came to me ASI and informed that Gagandeep Singh alias Ginni, son of Sukhwinder Singh, resident of house number 85, New Model House, Jalandhar, has illegal weapons. He can be arrested and the illegal weapons can be seized from him. Since this information is true, solid and reliable, a case is being registered under Section 25-54-59 Arms-Act and sent to the police station through

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Constable Jugraj Singh 2135 for investigation. The case should be registered and the case number should be informed. Special reports should be issued and sent to the Area Magistrate, Officers and Control Room. I am investigating the case with the help of ASI and his colleagues. Today, at Rakba Ravidas Chowk, Jalandhar At 10:10 PM. Sd/- Daljinder Lal ASI Special Cell Commissionerate, Jalandhar. Date 17.10.2024.”

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 22.11.2024. Learned counsel has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that mandatory provisions of BNS have not been complied with, and therefore, recovery of the alleged fire arm cannot be foisted upon the petitioner. Learned counsel has further iterated that investigation in the FIR in question already stands completed and the challan has been presented. Learned counsel has also iterated that the petitioner has been in custody for more than 09 months. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 10.09.2025 in Court, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 22.11.2024 whereinafter investigation was carried out and challan was presented on 14.01.2025. Total 24 prosecution witnesses have been cited, and it is not in dispute that none has been examined till date. It is thus, indubitable that conclusion of the trial will take its own time. The rival contentions raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court

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does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 10.09.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 09 months and 14 days. Further, as per the said custody certificate, the petitioner is stated to be involved in other FIR(s). Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Concerned CJM/Duty Magistrate. However, in addition

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to conditions that may be imposed by the concerned CJM /Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the CJM/ Duty Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/ Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

September 11, 2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No