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2. Learned counsel for the petitioner submits that petitioner has been in custody since 23.09.2023 on the allegations that he was member of a gang, which was indulging in criminal activities like robbery, snatching and the offences under the NDPS Act. Counsel further contends that the petitioner was apprehended by the Police pursuant to a secret information and thereafter one pistol of 30 bore along with two live cartridges were recovered. Subsequently, on the basis of disclosure statement, the case was developed in a different direction and a recovery of 310 grams of Diazepam was recovered.

3. It is also alleged that petitioner had fired with his pistol towards Inspector Prabjeet Singh, although no police official was injured in the said incident. Apart from his presence along with the co-accused and the role described hereabove at the relevant time, no other role much less of causing any injury has been attributed to him.

He further contends that as per FIR, there were total 06 members sitting in a group namely Avtar Singh, Amritpal Singh, Akashdeep Singh, Rupinder Singh, Shamsheer Singh, Akashdeep Singh @ Kashi.

4. From them, 04 of the accused namely Shamsheer Singh, Rupinder Singh, Amritpal Singh and Akashdeep Singh have already been released on bail by this Court. Apart this, two other accused namely Narain Singh and Karan @ Suraj involved on the basis of disclosure statement have also been granted bail by this Court.

5 It has also been argued that initially, as per the prosecution it was a case of recovery of 310 grams of heroin, but subsequently as per FSL report, it was found to be Diazepam, weighing 310 grams, which is much less to 500 grams i.e. commercial quantity.



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6. Counsel also argues that once the FIR was registered under Section 109 of the BNS, but no injury was suffered by any of the member of the police team, and the recovery of 310 grams of Diazepam was shown subsequently. Thus, the case against the petitioner, can only be covered under the provisions of the Arms Act.

7. Lastly petitioner submits that whatever the allegation was there, the recovery to that part has already been effected and now petitioner is there inside jail for the last about 02 years. Out of total 21 prosecution witnesses, only 03 have been examined and thus culmination of trial will likely to take considerable time. Therefore, petitioner cannot be detained for indefinite period. Thus, prays for grant of regular bail.

8. On advance notice and in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 10.09.2025 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has already been handed over to the counsel for the petitioner.

As per custody certificate, petitioner has already undergone 01 year, 11 months and 11 days period inside jail.

9. Learned State counsel has vehemently opposed the prayer of grant of bail to the petitioner, keeping in view the nature of allegations and the gravity of offence involved herein.

While referring the custody certificate, he submits that petitioner is involved in several other cases i.e. FIR No.147 dated 20.09.2023, FIR No.138 dated 23.05.2023, FIR No.158 dated 02.06.2023, FIR No.47 dated 08.05.2023, FIR No.167 dated 08.05.2023 and FIR No.131 dated 18.04.2024. He further



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submits that if the petitioner is granted concession of bail, there is every likelihood of him being absconding from the trial and can indulge in similar kind of activities.

10. This Court has heard the learned counsel for the parties concerned, and has gone through the instant petition.

11. As per the totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed hereinabove, I deem it appropriate to grant the concession of bail to the petitioner.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

12. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

13. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

14. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

15. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

11.09.2025
amandeep

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No