



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

248

CRM-M-35567-2025
Date of Decision: 18.08.2025

Gurdaur Singh ...Petitioner
Versus
State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Puneet Bali, Advocate for the petitioner.
Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
197	13.11.2024	South City Moga, District Moga	111, 111(2), 308, 308(2), 308(3) of BNS

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. As per paragraph 12 of the bail petition and as per para 09 of the status report, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“3. That the instant FIR No.197(supra) has been registered on the basis of secret information received by ASI Varinder Singh 676/Moga, CIA Staff, Moga on 13-11-2024, against i) Lakhvir Singh alias Lakhi Brar s/o Mukhtiar Singh ii) Arshdeep Singh alias Arsh s/o Paramjit Singh iii) Gurjeet Singh alias Jagga s/o Jagtar Singh iv) Hardeep Singh alias Honey s/o Charanjit Singh v) Kuldeep Singh s/o Binder Singh vi) Gardaur Singh (petitioner) all r/o Charik and their 4/5 unknown accomplice have made organized criminal gang and extorting money from people by making phone calls and threatening to kill them. These calls are made by Lakhvir Singh alias Lucky Brar from Canada and rest of the accused used to extortion money from the victims. Acting upon the information offence u/s 111, 111(2), 308(2), 308 BNS registered against aforesaid accused including present petitioner.
4. Counsel for the petitioner seeks bail on the grounds of parity with co-accused Arshdeep Singh @ Arsh, who was granted bail by this Court vide order dated 29.07.2025 passed in CRM-M-16874-2025. 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 his family.
5. The petitioner’s counsel 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, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which reads as follows:

"8. Role of Petitioner:

That the present petitioner was member of the gang which was working in an organized manner to extort money from their targets. The king pin of the gang known as Lakhvir Singh alias Lucky Brar used to make threatening phone calls to the victims while sitting in Canada and used demand ransom. The present petitioner and other co-accused, on the instructions of Lakhvir Singh were collecting the extorted money from the victims and this amount was being sent to Lakhvir Singh through co-accused Iqbal Singh and Harmeet Singh.

9. Evidence Against petitioner:

That in order to substantiate the commission of crime, the Police joined a number of witness, including Shanti Kumar Ghosh who paid Rs.2-00 lakh as ransom and Rajesh Kumar S/o Ram Pal who was demanded ransom of Rs. 5-00 lakh but approached the police and both the witness have unequivocally proved the culpability of petitioner."

REASONING:

8. Perusal of status report reflects that the petitioner has clean antecedents and is first offender. Whether the petitioner along with co-accused were involved in organized crime is a matter of trial. No recovery from petitioner is to be effected. 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. As per the custody certificate dated 13.07.2025, the petitioner's total custody in this FIR is 07 months and 18 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, co-accused already granted bail and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

9. 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.

10. 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.

11. 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)	

12. This order is subject to the petitioner’s complying with the following terms.

13. 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.

14. Given the background of allegations against the petitioner, it becomes paramount to protect the victim, 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.

15. 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, the State shall file an application to revoke this bail before the concerned 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.



16. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
17. 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.
18. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

18.08.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.