

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-38687-2024
Reserved on: 10.03.2025
Pronounced on: 21.03.2025

Karan @ Maan ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Supneet Singh, Advocate
for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
149	27.08.2021	Majitha Road, Amritsar	392/506/34 IPC and Section 25/54/59 of Arms Act, 1959 (Section 395/120-B/412/414/212/216 of IPC added later on)

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 439 CrPC, seeking regular bail.
2. Per paragraph 8 of the bail application and the short reply/custody certificate, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	331	06.12.2020	379-B/323/506/148/149 IPC	B. Division, Amritsar
2	289	25.10.2021	336/427/566/148/149 IPC and Sections 25/54/59 of Arms Act	B. Division, Amritsar
3.	146	22.05.2021	336/148/149 IPC and Sections 25/54/59 of Arms Act	B. Division, Amritsar
4.	143	07.09.2022	25 (6, 7, 8)/54/59 of Arms Act	Majitha Road
5.	194	21.08.2021	379-B/468/411/120-B IPC	Cantonment, Amritsar

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

“3. That it is submitted that as per the report furnished by SHO PS Majitha Road, Amritsar, on 27/08/2021, pursuant to the information received with respect to the robbery of gold and silver ornaments committed at the shop of Lal Chand Jewelers, ASI Gurjeet Singh, In-charge of Police Post Faizpura of Police Station Majitha Road, Amritsar reached the spot and recorded

statement of the Complainant Vishnu Soni, wherein it was alleged that the complainant runs shop namely Lal Chad Jewelers outside Fairland Colony, main road. On 27/08/2021 at about 3:45 Pm, the complainant was present at his shop then two Sikh and two haircut muffled faces youngsters holding pistols in their hands, came inside the shop of the complainant. One of them pointed pistol at the complainant and asked him to sit a side and where is DVR of the CCTV cameras. The complainant pointed towards the DVR and that person cut the wire of the DVR. Thereafter, the aforesaid accused persons took out gold ornaments weighing about 1/2 kg and silver ornaments weighing about 5/6 Kg and cash about Rs. 01 lac from locker and boxes and fled on two motorcycles towards Fatehgarh Churian bypass while extending threat to the complainant that they would kill him if he shouts. Therefore, on the basis of the above statement, the present case FIR No. 149. dated 27/08/2021 was initially registered under Sections 392,506, 34 IPC at Police Station Majitha Road, Amritsar by ASI Gurjeet Singh.”

4. 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 their family. He further submits that petitioner is entitled for bail on parity with co-accused Satnam Singh @ Sattu who has been granted bail by this Court vide order dated 18.01.2023 passed in CRM-M No.55528 of 2022.

5. The State's counsel opposes bail and refers to the short reply.

6. It would be appropriate to refer to the following portions of the short reply, which read as follows:

“ROLE OF THE PETITIONER

23. That it is submitted that the present petitioner Karan @ Maan has played a pivotal role in commission of crime. The present petitioner Karan @ Maan along with other co-accused persons in pursuance to the conspiracy hatched between them along with co-accused Yash, Karan Kumar, Pawan Kumar @ Shiva and Sahil had entered into the shop of the complainant. The present petitioner-accused Karan @ Maan cut DVR of CCTV cameras. Thereafter, they all had looted gold/silver ornaments and cash amount from the shop of the complainant on pistol point. At that time, the present petitioner-accused Karan @ Maan was having a pistol. One plate of silver weighing 730 GM out of the looted ornaments, which had come in share of the petitioner, was recovered from his residential house.”

7. 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.

8. Per paragraph 7 of the bail petition, the petitioner has been in custody since 13.10.2022. Per the custody certificate dated 08.03.2025, the petitioner's total custody in this FIR is 02 years, 04 months and 14 days. Co-accused has already been granted benefit of bail, therefore criminal history shall not come in his way.

9. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, period of custody 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. This order shall come into force from the time it is uploaded on this Court's official webpage.
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 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.
15. Given the background of allegations against the petitioner, it becomes paramount to protect the victim and their family members, as well as the 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 firearm(s). [This restriction is being imposed based on the preponderance of evidence of probability and not of evidence of certainty, i.e., beyond 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 from release from prison and

inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in 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.

16. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense. In Mohammed Zubair v. State of NCT of Delhi, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

17. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

18. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

19. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

20. 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.

21. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

21.03.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.