



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

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**CRM-M No.35823 of 2025
Date of decision : 28.8.2025**

Sukhwinder Singh @ Sukha**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Jaskirat Singh Dhaliwal, Advocate and
Mr. Manpreet Singh Rai, Advocate, for the petitioner

Mr. Jaypreet Singh, DAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.10 dated 4.2.2025, under Sections 111 of Bharatiya Nyaya Sanhita, 2023 and Section 25 of Arms Act, 1959, registered at Police Station Cantt. Bathinda, District Bathinda.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Copying of ruqa:-SHO Police Station, Cantt, Bathinda, Fateh, today, I ASI along with SCT Kamaldeep Singh 1601/Bathinda, SCT Lakhwinder Singh 1561/Bathinda, SCT Amandeep Singh 2176/Bathinda, SCT Gagandeep Singh 671/Bathinda were present near Adesh Hospital in a government vehicle Bolero Caper No. PB-03AT-0395, whose driver was CT Inderjit Singh 1461, for checking suspicious men, checking suspicious vehicles. It would be around 10:30 PM that I ASI received secret



information that Yudhveer Singh alias Ashu son of Makhan Singh resident of village Zaid District Bathinda, Jaspal Singh alias Jassi son of Bhagwant Singh resident of Zaid, District Bathinda, Sukhwinder Singh alias Sukha son of Jarnail Singh resident of Street No. 12, Dasmesh Nagar, Rampura, District Bathinda, Gurjit Singh alias Guri son of Gurmail Singh resident of near R.O. Village Lehra Dhurkot, District Bathinda Police Station Cantt Bathinda are roaming in the area with illegal arms and other deadly weapons, which can cause any loss of life or property in the city. If they are searched in the Police Station Cantt area now, illegal arms and other deadly weapons can be recovered from them, which are involved in the incidents that took place in Bathinda district. Who can commit any organized crime. This information is reliable and credible. Yudhveer Singh alias Ashu, Jaspal Singh alias Jassi, Sukhwinder Singh alias Sukha and Gurjit Singh alias Guri are charged with possession of illegal arms and deadly weapons under Sections 25/54/59 of the Arms Act, 111 BNS. Therefore, by writing a ruqa to register a case against Yudhvire Singh alias Ashu, Jaspal Singh alias Jassi, Sukhwinder Singh alias Sukha and Gurjit Singh alias Guri is being sent to police station Cantt through SCT Amandeep Singh 2176/Bathinda. The case should be registered and the case number should be informed.'

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that the petitioner is in custody since 4.2.2025. Learned counsel has further argued that, assuming *arguendo*, the prosecution version is taken to be correct, there is no recovery of any fire arm from the petitioner. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 27.8.2025 in Court, which is taken on record.



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

6. The petitioner was arrested on 4.2.2025 and is in continuous custody since then. Investigation in the case was carried out and challan stands presented on 4.4.2025. Total 17 prosecution witnesses have been cited but none has been examined till date. It is thus indubitable that culmination of trial will take its own time. The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court 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.

As per custody certificate dated 27.8.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 6 months and 19 days. As per the said custody certificate, the petitioner is stated to be involved in one more FIR registered under sections 140(3), 307 of BNS, 2023 and Sections 25/54/59 of Arms Act. 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 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 cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on



bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

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.

(SUMEET GOEL)
JUDGE

28.8.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No