

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-35964-2025
Reserved on: 09.09.2025
Pronounced on: 16.09.2025

Manpreet Singh @ Sewak ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Mikhail Kad, Advocate, for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
176	13.12.2023	Dakha, Distt. Ludhiana Rural	393, 336, 473, 397 IPC, 25, 27 of Arms Act

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 13 of the bail petition and as per paragraph 12-D of the status report/custody certificate, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	227	18.12.2023	22, 25, 61 of NDPS Act, 25(6) (7)(8), 25, 54 of Arms Act, 387, 336, 473, 120-B IPC	Sadar Jagraon, Ludhiana
2.	25	03.02.2023	382, 379-B, 506, 148, 149 IPC, 25/54/59 of Arms Act	Dayalpura, Distt. Bathinda
3.	15	07.02.2023	379-B IPC	Hathur, Distt. Ludhiana
4.	150	16.07.2025	308(2), 351(2) of BNS	Sadar Ludhiana

3. The facts and allegations are being taken from the translated copy of FIR annexed with the bail petition as Annexure P-1, which reads as follows:

“Statement of Parwinder singh son of Kuldeep Singh r/o House No.1/243, Gurcharan Nagar, College road, Dakha, Police Station Dakha, District Ludhiana aged about 49 years, mb. No. XXX stated that I am resident of above said address. We have our showroom at Jain Bhawan Road, Mandi Mullanpur with name Raju Jewellers, where me and my younger brother Kulwant Singh @ Raju sits there. Today at about 06.00 pm I was at my showroom then a call was received on mobile NO.XXX of our showroom from Mb. NO.+190281xxxxx in which caller said that they have done the work infront of our house, on which I immediately disconnected the phone and made phone call at home, on which family members told that nothing has happened at home and my brother Kulwant Singh @ Raju also made

phone call at home and inquire, on which nothing has been found to have happened at home, on which we return to our home and checked CCTV cameras then on the road leading to my house, one motorcycle on which three persons with muffled faces were riding seen entry and fired gun shots. There are no marks of this firing at our house. During this, again call was received at my mobile phone, who demanded Rs.2 crores as ransom and to face dire consequences for not paying. Leaving my brother at home, I was coming to give information to you, you met me at Hamrbra T-point, Mullanpur Mandi. Legal action be taken against unknown persons for threatening and firing shots. Statement has been recorded, heard, it is correct.”

4. The petitioner’s counsel submits that the co-accused, namely, Gurpreet Singh @ Babbu and Amit Kumar Mishra, have already been granted bail by this Court, vide order dated 22.04.2025 passed in CRM-M-43768-2024 and CRM-M-14524-2025 (Annexures P-2 and P-3 respectively).

5. 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.

6. 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, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial quantity, or violates S. 19, or 24, or 27-A of the NDPS Act, 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.

7. The State’s counsel opposes bail and refers to the status report.

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

*“12.B The evidence against the petitioner
Statement u/s 161 CrPC of ASI Rajwarinderpal Singh, HC Gurpreet Singh
and investigation conducted by SI Karamjit Singh. Inspector Kikkar Singh
CIA Staff.*

C. The role of the petitioner

That the role of the petitioner in this case is that the co-accused with the help of petitioner and some of the accused who are nominated on dated 29.12.2023, have fired in the air from pistol before the house of the complainant and thereafter demanded amount of Rs.2 crores from the complainant failing which the complainant was threatened to face the consequences.”

REASONING:

9. The co-accused have already been granted bail by this Court, vide order dated

22.04.2025 (Annexures P-2 and P-3), as such, the petitioner, who is on similar role, more pre-trial incarceration period, is also entitled to bail on the ground of parity.

10. 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.

11. As per paragraph 8 of the bail petition, the petitioner has been in custody since 28.12.2023. As per the custody certificate dated 18.08.2025, the petitioner's total custody in this FIR is 01 year, 07 months and 19 days.

12. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.¹In deciding bail applications an important factor which should certainly be taken into consideration by the Court is the delay in concluding the trial.—Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? —Is Article 21 of the Constitution, which is the most basic of all the fundamental rights in our Constitution, not violated in such a case? —Of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail.² Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.³ Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.⁴ When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated.⁵

13. Given the above, the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

14. 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.

¹ Supreme Court of India in *Vaman Narain Ghiya v. state of Rajasthan*, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

²Supreme Court of India in *State of Kerala v. Raneef*, SC 2J [E-SCR]; [2011] 1 SCR 590, Para 4, decided on 03.01.2011.

³ Supreme Court of India in *Siddharam Satlingappa Mhetre v. State of Maharashtra*, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

⁴ Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

⁵ Supreme Court of India in *Sanjay Chandra v. CBI* , [2011] 13 (ADDL.) S.C.R. 309, Para 26, [E-SCR], decided on 23.11.2011.

15. Given the 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 or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.
16. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the “Chief Judicial Magistrate” of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.
17. While furnishing a personal bond, the petitioner shall mention the following personal identification details:
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|----|--|--|
| 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) | |
18. This order is subject to the petitioner’s complying with the following terms.
19. 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.
20. 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.

21. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

22. 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, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial, or violates S. 19, or 24, or 27-A of the NDPS Act, 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.

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

24. In Amit Rana v. State of Haryana, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that "To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished."

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

(ANOOP CHITKARA)
JUDGE

16.09.2025

Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.