

220

IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH
CRM-M-38603-2025 (O&M)
Date of Decision: 25.07.2025

RAJBIR SINGH ALIAS GALLU

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HONBLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Tejinder Kataria Advocate
for the petitioner.

Mr. Jasdip Singh, Addl. AG Punjab.

SANJAY VASHISTH J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Rajbir Singh @ Gallu	68	28.03.2025	111 of BNS and 25 of Arms Act	Gharinda	Amritsar

2. Learned counsel for the petitioner contends that in the instant case allegations against the petitioner is that two of the main accused Jagroop Singh @ Baba and Hardeep Singh, who were named in the FIR, having contacts with Pakistani smugglers, were arrested and thereon in the disclosure statement of the said arrested accused, name of the petitioner was disclosed, as their associate and thereafter, the petitioner was also arrested.

Counsel contends that during the course of investigation, nothing is found to be recovered from the possession of the petitioner and he, though is of the age of 46 years, but never involved in any other criminal activity in the past time.



CRM-M-38603-2025 (O&M)

-2-

3. On advance notice and in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 24.07.2025 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.

4. As per custody certificate, petitioner has already undergone 03 months and 23 days period inside jail.

5. 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. He further submits that if the petitioner is granted concession of bail, there is every likelihood of their being absconding from the trial and can indulge in similar kind of activities. However, he admits that name of the petitioner was disclosed in the disclosure statements of arrested accused and except the said statements, as of now, he is unable to point out any other substantive evidence against him.

He further admits the fact that petitioner is not involved in any other case.

6. After hearing learned counsel for the parties and perusing the relevant material on record with their able assistance, this Court finds substance in the submissions made by learned counsel for the petitioner by observing that petitioner seems to a first time offender and nothing has been recovered from his possession by the police.

Further, as informed to the Court, petitioner is already in jail since 28.03.2025 and culmination of trial is expected to take considerable time as the process of recording of statements of witnesses is yet to start. Though, the



CRM-M-38603-2025 (O&M)

-3-

investigation has been completed and the challan has been presented before the Court concerned.

7. 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.

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

9. 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.

10. 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.

11. Petition stands disposed of.

25.07.2025

Ajay Goswami

(SANJAY VASHISTH)
JUDGE*Whether speaking/reasoned*
*Whether reportable**Yes/No*
~~Yes~~/No