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2025:PHHC:121964



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

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Date of decision: September 08, 2025

Harpreet Singh @ Roda

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Nikhil Ghai, Advocate for
Mr. Sarabpreet Singh Sandhu, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Additional AG Punjab.

SUMEET GOEL, J. (ORAL)

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.82 dated 21.05.2025, under Sections 25(6), 25(7), 25(8) of the Arms Act, 1959, registered at Police Station Khem Karan, District Tarn Taran.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:

“Officer incharge, police station Khem Karan, Jai Hind. Today, I, ASI along with ASI Kanwarpal Singh no. 1165/T.TA, constable Avtar Singh no. 158/ T.TA, HC Kulwant Singh no.15/ T.TA, along with constable Simarjeet Singh no. 253/ T.TA, with laptop and printer were riding on a private vehicle from CIA Tarn Taran to Chabal, Bhikiwind, Amarkot to Khem Karan in search of bad elements. Call police party reached Khem Karan Bus stop a secret informer came present and informed me that Jagmohan Singh @ Jaggu s/o Manjeet Singh r/o VPO Kalas police station Khem Karan, district Tarn Taran and Mahabir Singh s/o Lakhwinder Singh, r/o VPO Duhal, police station Khem Karan, district Tarn Taran are

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in contact with smugglers from Pakistan. They smuggle illegal weapons from India Pakistan border through various routs and smuggle them to Tarn Taran and other districts of Punjab. These weapons are currently present at the house of Jagmohan Singh @ Jaggu. If raided right now then the weapons along with the money earned by selling these illegal weapons can be recovered. On this I ASI inquired about the appearance of accused from secret informer and sent him after giving him directions and informed the other police officials in the team. This information is believable and offence u/s 25(6), 25(7), 25(8)/54/59 Arms Act is covered under these sections therefore ruqua was typed in the laptop, print taken out and is sent in the hands of HC Kulwant Singh no. 15/ T.TA, at police station Khem Karan. Information of FIR be sent after registration of the same. Special reports be prepared and sent to Ilaqua Magistrate and senior officers.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 06.06.2025. Learned counsel has further iterated that assuming *arguendo*, the prosecution version is taken to be correct, the prime basis of implicating the petitioner into the FIR in question is the disclosure statement made by co-accused, and alleged recovery of ₹2 lakh, which is stated to be used for supplying illegal arms. Learned counsel has urged that the petitioner is a young man with no criminal antecedents. 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 07.09.2025 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 06.06.2025 and is in continuous custody since then. The investigation was carried out and challan was presented on 18.08.2025. Total 16 prosecution witnesses have been cited. It

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is not in dispute that no prosecution witness has been examined till date. It is thus, indubitable that conclusion of the trial will take its own time. The rival contention raised at Bar give rise to debatable issues; including the basis for implicating the petitioner into the FIR in question and veracity/ weightage required to be attached to disclosure statement of the co-accused; 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.

6.1 As per custody certificate dated 07.09.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 03 months and 01 day, & is not shown to be involved in any other FIR(s).

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.

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- (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.

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

September 08, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No