



CRM-M-47060-2025

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-47060-2025 (O & M)

Date of decision: 01.09.2025

AIMEN @ AIMAN

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Anmol Prashar, Advocate,
for the petitioner.

Mr. M.S.Bajwa, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner in case FIR No.216 dated 05.12.2020, registered under Section 25-54-59 of the Arms Act, at Police Station Phase 1, District SAS Nagar, Punjab.

2. Learned counsel contends that the petitioner has been in custody for about 7 months. He was initially granted bail on 06.01.2021, after being in custody for 32 days, however, he absented from the proceedings on account of ill-health of his mother and neither willful or deliberate, whereupon he was arrested on 02.02.2025 and since then, he has been in custody. Challan was presented on 20.03.2025, however, charges are yet to be framed. In all, there are 17 prosecution witnesses.

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He is involved in 2 more cases, one is under Section 307 IPC and another is a Kalendra having been presented against him wherein he is on bail. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificate, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 06 months and 27 days after having been arrested again.

4. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioner from whom .32 bore weapon was recovered and he had also absented himself from the proceedings. However, he is unable to controvert the submissions with regard to stage of the case and the petitioner being on bail in other cases.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc."

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 06 months and 27 days; on bail in other cases; challan stands presented on 20.03.2025,

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however, charges are yet to be framed; in all there are 17 prosecution witnesses; the trial is likely to take a considerable time; his further incarceration would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

8. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

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9. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

10. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

01.09.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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