



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

226

**CRM-M No.47343 of 2025
Date of decision : 2.9.2025**

Vinod Kumar**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Siddharth Pandit, 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.105 dated 3.7.2025, under Sections 25/54/59 of Arms Act, 1959, registered at Police Station Lalru, District SAS Nagar.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Copy of ruqa. The Station House Officer. Jai Jind. Today, I ASI alongwith Constable Robin Singh No.302/S.A.S. Nagar, Lady Constable Manisha No.1722/S.A.S. Nagar, PHG Suresh Chand No.30814 and investigation kit in private vehicle with laptop, printer was present on Ambala to Chandigarh main Highway near bus stand village Sarsini for patrolling and in search of bad elements. Then at about 3.00 PM, a special informer came to me and informed me separately that Vinod Kumar son of Rampal resident of village Nagoya, Police station Qasimpur, District Hardoi, U.P.



aged about 33 years, who is standing at bus stand Jharmari. He had illegal weapon. If raid is conducted just now, then said person can be nabbed with illegal weapon. The information being concrete and believable, it attracts the offence under section 25/54/59 of Arms Act against the said person. Thus, after writing the ruqa, the same is sent to the Police station through PHG Suresh Chand 30814 for the registration of the case under the above sections against Vinod Kumar. After the registration of the FIR, its file number be intimated. Sd/ Gurnam Singh, 483, Police station Lalru, dated 03.07.2025.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 3.7.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that mandatory provision of BNSS has not been scrupulously complied with and no independent witness, as required in law, has been associated in the recovery. Learned counsel has further submitted that the petitioner is a man aged 33 years with clean 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 1.9.2025 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 3.7.2025 wherein after investigation was carried out and challan stands presented on 30.8.2025. Total 8 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 1.9.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of one month and twenty-five days & is not shown to be involved in any other case.

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

2.9.2025
Ashwani

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