



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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1) CRM-M-57040-2025
Decided on : 03.12.2025

Gorav @ Gaurav . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

2) CRM-M-63988-2025

Swaraj . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Maneesh Bali, Advocate
for the petitioner(s) (in CRM-M-57040-2025).

Mr. Amit Arora, Advocate
for the petitioner(s) (in CRM-M-63988-2025).

Mr. Sukhbeer Singh, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. This order shall dispose of CRM-M-57040-2025 & CRM-M-63988-2025, as both the petitions are interconnected and have arisen out of same FIR. However, the lead case is CRM-M-57040-2025.

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

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Gorav @ Gaurav (petitioner in CRM-M-57040-2025)	165	21.07.2025	25 of Arms Act, 1959 and 61(2) of BNS, 2023	Lopoke	Amritsar Rural
Swaraj (petitioner in CRM-M-63988-2025)					

3. As per allegations in the FIR, on 21.07.2025, when ASI Tarsem Singh along with other police officials was patrolling in the area of Village Kakkar, on the link road to Pandori, at a Kacha path, a white Activa scooter without number plate with 4 youth was seen. Two of them were sitting on the Activa scooter and two were standing beside it, and were talking to each other. On seeing the police party they attempted to flee, however, on raising suspicion all of them were apprehended by the police party. On inquiry, they disclosed their names as, (i) Swaraj, (ii) Gaurav, (iii) Arshdeep Singh, and (iv) Gulab Singh. When the dickey of the said Activa scooter was searched, a gunny bag was found containing one pistol Glock Gen 17, 9mm with magazine, one pistol Glock Gen 19, 9mm with magazine, 02 pistols of make "Mataat" (Matata), 30 bore with magazines, 10 live cartridges of 30 bore, and consequently, same were taken into police possession.

On the basis of recovery of huge arms & ammunition, offences against all the accused were registered u/s 25 of the Arms Act, 1959 and 61(2) of BNS, 2023.

4. Learned counsel for the petitioners contends that there is no evidence collected to establish the ownership or possession of the said Activa scooter. Neither the FIR nor the investigation mentions the registration number, engine number or chassis number of the scooter, nor is there any explanation as to why such particulars could not be ascertained. It is submitted that in absence of proof of ownership or possession, conscious possession of the recovered arms cannot be presumed at this stage.

It is further argued that the offences are triable by the Court of learned Magistrate and the petitioners are in custody since 21.07.2025, i.e.,

for more than four months. Additionally, co-accused Arshdeep Singh has already been granted regular bail by the learned Additional Sessions Judge, Amritsar, vide order dated 11.11.2025, therefore, on the ground of parity as well, the petitioners deserve the concession of bail.

5. On the other hand, learned State counsel, while opposing the prayer for bail, submits that recovery of substantial arms and ammunition from the accused persons indicates potential threat to peace and security, and persons like petitioners are capable of disturbing law and order in the State. Therefore, no leniency should be shown. However, learned State counsel is unable to dispute the custody period undergone, the fact of co-accused being granted bail, or the submissions relating to lack of investigation into ownership and possession of the scooter.

6. I have heard learned counsel for the parties and perused the material available on record. It is not in dispute that both the petitioners are behind bars since 21.07.2025 and the trial is yet to commence, as no prosecution witness has been examined so far. The allegations pertaining to recovery of arms and ammunition from the dicky of a scooter, the ownership and conscious possession whereof has not been ascertained during investigation, are yet to be established by leading cogent evidence before the trial Court. Furthermore, co-accused Arshdeep Singh, from whom recovery is similar in nature, has already been granted the concession of regular bail by the learned Additional Sessions Judge, Amritsar, and the case of the petitioners stands on an equal footing for the purpose of parity. The offences alleged are triable by the Court of learned Magistrate and, in the circumstances, continued incarceration of the petitioners for an indefinite period would not serve any meaningful purpose. Therefore, this Court finds

no justifiable ground to deny the concession of regular bail to the petitioners at this stage.

Consequently, prayer made in the present petitions are **allowed**. Petitioners are ordered to be released on bail, subject to their 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.

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

8. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

9. It is further made clear that if, in future, petitioners are directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

10. **Petitions stand disposed of.**

Pending misc. application(s), if any, also stand disposed of.

Photocopy of this order be placed on the file of other connected case.

(SANJAY VASHISTH)
JUDGE

December 03, 2025

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*