



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

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**CRM-M No.61136 of 2025
Date of decision : 19.11.2025
Date of uploading : 20.11.2025**

Jagmohan Singh @ Jaggu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Gaurav Datta, Advocate and
Mr. Vaibhav Bhargav, Advocate, for the petitioner

Mr. Jaypreet Singh, DAG, Punjab and
Mr. Baljinder Singh Sra, Addl. AG, 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.82 dated 21.5.2025, under Sections 25(6), (7), (8) and 54/59 of Arms Act, 1959 and Sections 336(3) of Bharatiya Nyaya Sanhita, 2023 (Sections 111, 346, 303(2), 317(2) and 61(2) of BNS added later on vide GD No.36 dated 17.8.2025), 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 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 iterated that, assuming *arguendo*, the prosecution version is taken to be correct, the prime basis of the FIR in question is the disclosure statement made by the co-accused, and alleged recovery of a pistol alongwith live cartridges. Learned counsel has argued that the petitioner is in custody since 21.5.2025. Learned counsel has further iterated that the petitioner has suffered incarceration for more than 5 months. Learned counsel has further argued that the petitioner is a young man aged 30 years with no criminal antecedents. Thus, regular bail is prayed for.

4. Short reply by way of affidavit of Harinder Singh, PPS, Deputy



Superintendent of Police (Detective), District Tarn Taran has been filed in Court today by the learned State counsel. The same be kept on record. Copy thereof has been furnished to learned counsel for the petitioner.

Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 18.11.2025 in the Court, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 21.5.2025 whereinafter investigation was carried out and challan *qua him* was presented on 18.8.2025. Total 16 prosecution witnesses have been cited, but none has been examined till date. The petitioner has been implicated as an accused in the FIR in question solely on the basis of disclosure statement of co-accused and alleged recovery of one pistol alongwith live cartridges. As per the prosecution version, there is no other material available to connect the petitioner with the alleged crime except the said disclosure statement. It is pertinent to note that such disclosure statements, in the absence of corroborative evidence hold limited evidentiary value and cannot be sole basis for implicating the petitioner. The reliance on this unsubstantiated statement raises serious doubts about the fairness and objectivity of the investigation. It is not in dispute that the petitioner was not present at the spot. The veracity and weightage required to be attached to the disclosure



statement made by the co-accused will be fully tested at the time of trial. The rival contentions raised at Bar 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.

7. As per custody certificate dated 18.11.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 5 months and 23 days. As per the said custody certificate, the petitioner is stated to be involved in 2 more cases/FIRs registered under the NDPS Act. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.



Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

8. 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/Illaq 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.

9. 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.



- 10. Ordered accordingly.
- 11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

19.11.2025
Ashwani

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