2025:PHHC:165135

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-63928-2025

Simranjeet Singh @ Bagga @ Simranjit Singh

….Petitioner

versus

State of Punjab

….Respondent

Date of decision: November 28, 2025
Date of Uploading: November 28, 2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Deepak Arora, Advocate for
Mr. Abhijeet Partap Singh, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG Punjab.

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SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No.149 dated 16.07.2025, registered for offences punishable under Sections 55 & 61(2) of the BNS, 2023 (Sections 25/54/59 of the Arms Act added later on), at Police Station Sadar, Ludhiana, District Police Commissionerate Ludhiana.

2. The gravamen of the allegations against the petitioner is that complainant, namely, Prem Singh, stated that on 16.07.2025, while he was present in his office, a reliable acquaintance informed him that Simranjit Singh Bagga (*petitioner herein*) and Tajinder Singh Pala—both known for

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drug trafficking and facing several criminal cases—had been released from jail. The acquaintance further disclosed that on the night of 15.07.2025, he was sitting with the petitioner and Tajinder Singh Pala at a flat in CRPF Colony, with whom he shared old ties of friendship. At that time, the petitioner and Pala were consuming drugs and partying. During their conversation, they revealed that a deal had been struck with Amit Kumar Garg (owner of Basant Avenue, Ludhiana) for eliminating Prem Singh Babbar (complainant). It was further stated that Amit Kumar Garg had paid them an advance of ₹3 lakh and also provided photographs of the complainant and his vehicles, which were saved in his mobile phone. The petitioner subsequently called his associates Lakha and Kishan, who also arrived at the flat. In their presence, the petitioner informed Lakha that they had conducted surveillance of the complainant, collected details about him, and shown the same to the Amit Kumar Garg. Upon being satisfied, Amit Kumar Garg paid them ₹3 lakh as advance for killing the complainant and promised further rewards upon execution of the plan. Thus, all four—the petitioner, Pala, Lakha, and Kishan—had been allegedly engaged by the Amit Kumar Garg to eliminate the complainant.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 16.07.2025. Learned counsel has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that the challan (charge-sheet) into the FIR in question *qua* the petitioner already stands presented on 15.09.2025 and there is no material placed therein to show as to who overheard the petitioner and other co-accused conspiring and veracity of the pen drive stated to have been

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provided along with the challan is doubtful in the absence of certificate under Section 65-B of the Indian Evidence Act, 1872 (Section 63 of the BNS) as also the source of the said pen drive is not coming forth. Learned counsel has also iterated that the petitioner has suffered incarceration of about 04 months. Thus, regular bail is prayed for.

4. Learned State counsel seeks to place on record the custody certificate dated 27.11.2025 and status report by way of an affidavit dated 27.11.2025 of Harjinder Singh, PPS, Assistant Commissioner of Police, (South), Police Commissionerate, in the Court today, which are taken on record. Raising submissions in tandem with the said status report, learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, hence, he ought not to be extended concession of regular bail.

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 16.07.2025, whereinafter, the investigation was carried out and challan *qua* the petitioner has been presented on 15.09.2025. Total 13 prosecution witnesses have been cited, but none has been examined till date. It is thus, indubitable that conclusion of the trial will take long time. 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.

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6.1. As per custody certificate dated 27.11.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 04 months & 07 days. Further, as per the said custody certificate the petitioner is stated to be involved in other FIR(s). 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.

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.

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(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 cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the CJM/ Duty 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.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

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