



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

206

**CRM-M No.66156 of 2025
Date of decision : 19.12.2025
Date of uploading : 19.12.2025**

Aditya Bawa alias Bawa**Petitioner**
Versus
State of Punjab**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Navdeep S. Khokhar, Advocate, for
Mr. Saurav Bhatia, 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.5 dated 10.1.2022 under Sections 399, 402, 379-B and 482 of IPC and Sections 25/54/59 of Arms Act, 1959 (Section 411 of IPC added later on), registered at Police Station Garhshankar, Hoshiarpur.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'To the MHC Garhshankar. Today I Insp. Incharge CIA HQ, Hoshiarpur alongwith SI Navjot Singh 1971/HPR, ASI Buta Singh 532/JR, ASI Sukhdev Singh 668/HPR, SRCT Sumeet Kumar 1160/HRP, SRCT Jaspal Singh 448/HRP alongwith laptop and printer on a Govt. vehicle No.PB-07-BG-1275 which was being driven by C-II Gurpreet Singh 1301 in



connection with patrolling and shifting of nakabandi alongwith Insp./SHO Rajiv Kumar PS Garhshankar ASI Kaushal Chander 1264, ASI Rachhpal Singh 1159, ASI Mohinder Pal 475/HPR, CT. Anil Kumar 710/HPR, PC Kehar Singh 26711, PS Garhshankar on Govt. vehicle were present at Adda Bagwai, Main Road, Garhshankar-Balachaur that time was about 8.30 p.m. that an informer came to me Inspector and gave information separately that Aditya alias Bawa, Maninderjit Singh alias Mani, sons of Raj Kumar residents of Gobindpur, PS Sadar Banga, District SBS Nagar, Kamaldeep Singh alias Kamal son of Gurmail Singh resident of Fatehnagar near Coca cola Agency, PS City SBS Nagar, Jashandeep Singh alias Sukha Saran resident of Shergarh P.S. Dabwali, District Sirsa State Haryana, Harkamal son of Surjit Singh resident of Theeda PS Mahilpur, District Hoshiarpur, Hukam Dev Narayan son of Krishna Nand Verma resident of Sarwan Gram Paharaia (Jharkhand) and some other unknown persons, who are looting the vehicles on the gun point. They have one snatched swift car on which fake number plate is there and they have deadly weapons and illegal weapons. At this time all these persons are sitting at non working brick kiln at village Chak Falu at Chandigarh Road and are planning to loot the passerbyes on the road, petrol pump and liquor vends and if raid is conducted above these persons can be apprehended alongwith deadly weapons, snatched vehicles and illegal arms. Upon this Sr./CT Sumit Kumar 1160/HPR who is already in civil clothes, has been informed about the information has been sent, who after 15 minutes came back and told that he has heard with his ears and saw with his own eyes that above said persons are planning to loot the passerbyes, petrol pumps and liquor vends. This information is authentic and reliable offence against the accused under Section 399, 402, 479-B, 482 IPC and 25-54-59 Arms Act is found to have been committed. Ruqa is being sent to the police station for registration of case against the above said persons through C-III Gurpreet Singh 1301/HPR at PS Garhshankar. After registration of the case its number be intimate. Control room and officers be informed through wireless. Special reports be issued. I Insp. alongwith co-officials by preparing separate police parties is proceed to the spot for investigation. Sd/ Lakhvir Singh Insp. CIA HQ, District Hoshiarpur dated 10.01.2022 in the area of Adda Bagwai at 9.05 PM.'

3. Learned counsel for the petitioner has argued that the petitioner



is in custody since 10.1.2022. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that though as per the prosecution version a country made pistol alleged to have been recovered but mandatory provisions of law have not been complied with, and therefore, such recovery suffers from inherent defect under the NDPS Act. Learned counsel has further submitted that, in any case, the petitioner has suffered incarceration more than 2½ years. 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 18.12.2025 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 10.1.2022 wherein after investigation was carried out and challan stands presented on 9.3.2022. Total 17 prosecution witnesses have been cited, out of which 01 fully examined, 01 partly examined and 2 have been given up. At this juncture It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-

“19 If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental



right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

The rival contention raised at Bar give rise to debatable issues which shall essentially 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.

6.1 As per custody certificate dated 18.12.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2 years, 6 months and 17 days. As per the said custody certificate, the petitioner is stated to be involved in multiple cases/FIRs. 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.

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.



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

19.12.2025
Ashwanii

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