



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

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**CRM-M No.66800 of 2025
Date of decision : 3.12.2025
Date of uploading : 3.12.2025**

Aman Kumar @ Golden**Petitioner**
Versus
State of Punjab**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. H.S. Sidhu, Advocate, for the petitioner
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.34 dated 19.2.2025 under Sections 25 of Arms Act, 1959 (Sections 25(1-B)(a), 25(6), 25(7), 25(8) and 29 of Arms Act added later on), registered at Police Station Maqsudan, District Jalandhar.
2. The gravamen of the FIR in question is that on 19.2.2025 in the area near Onkar Cold Store, Liddhra, while on patrol duty the police party had apprehended the petitioner on suspicion, who was carrying a kit bag. On search of the said kit bag, 2 country made 30 bore pistols alongwith megazines, having 10 live cartridges, were recovered from him.
3. Learned counsel for the petitioner has argued that the petitioner



is in custody since 19.2.2025. Learned counsel has urged that the petitioner has been falsely implicated into the FIR in question on account of his antecedent. Learned counsel has further urged that mandatory provisions of law have not been complied with while allegedly effecting recovery of 2 country made pistols and 10 live cartridges. Thus, the prosecution case suffers from inherent defects. Learned counsel has further submitted that the trial will take long and no useful purpose will be served by keeping the petitioner in further incarceration. 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 2.12.2025 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 19.2.2025 wherein after investigation was carried out and challan stands presented on 31.5.2025. Total 11 prosecution witnesses have been cited but charges are yet to be framed. It is not in dispute that all prosecution witnesses are officials and thus, there is no tangible basis to believe that the same were won over and influenced by the petitioner. The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon during the course of 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 2.12.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 9 months and 10 days. As per the said custody certificate, the petitioner is stated to be involved in 3 more 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

3.12.2025
Ashwani

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