

CRM-M-9956-2026

2026:PHHC:033796



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-9956-2026

Gurjant Singh

....Petitioner

Versus

State of Punjab

....Respondent

Date of Decision: March 05, 2026

Date of Uploading: March 05, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Atinderpal Singh, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG Punjab.

SUMEET GOEL, J. (ORAL)

Present second 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 bearing FIR No.206 dated 15.07.2023, registered for the offences punishable under Sections 25, 25(7), (8) of the Arms Act, 1959 and Section 120-B of the IPC, 1860, at Police Station City Kharar, District SAS Nagar.

2. The gravamen of the allegations against the petitioner is that on 15.07.2023, at about 08:00 PM, the Investigating Officer (IO) received secret information to the effect that gangsters Prince Chauhan, and Sandeep Singh @ Kala Rana (presently residing abroad in Canada/USA) were involved in intimidating individuals who refused to pay extortion money by getting gunshots fired at them in the areas of Chandigarh, Panchkula and Mohali. It was further revealed that their associate, Deepak Singh @ Rana, who wears

CRM-M-9956-2026

glasses due to weak eyesight, used to maintain contact through the *Zangi* App. He was also responsible for managing bank accounts on behalf of the gangsters residing abroad, which were used for receiving the ransom amounts. The informer further stated that Deepak Singh @ Rana was roaming in the area of Chandigarh while carrying weapons and that, if a raid was conducted, he could be apprehended along with illegal arms and ammunition.

On the basis of the said information, the present FIR was registered against the co-accused. During the course of investigation, on the basis of the disclosure statement of the co-accused, the present petitioner was nominated as an accused and was subsequently arrested.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 15.08.2023. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that prime prosecution evidence, available against the petitioner, is in the form of disclosure statement, which is not tenable in law. Learned counsel has argued that assuming *arguendo*, the prosecution version is taken to be correct, two illegal country-made fire arms have been recovered, & the petitioner is in custody for more than 02½ years. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner 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 the custody certificate dated 04.03.2026, in the Court today, which is taken on record.

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

CRM-M-9956-2026

6. The petitioner was arrested on 15.08.2023, whereinafter, investigation was carried out and challan stands presented on 09.10.2023. Total 13 prosecution witnesses have been cited and it is not in dispute that charges are yet to be framed. It is, thus, indubitable that conclusion of the trial will take long. 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.

6.1. As per custody certificate dated 04.03.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 years, 06 months and 06 days. Further, as per the said custody certificate, the appellant 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 appellant 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*.

6.2. The first bail plea for regular bail was dismissed for non-prosecution and the following order was passed on 04.12.2025:

CRM-M-9956-2026

“Present petition has been filed under Section 483 of the BNSS, 2023 (Section 439 of the Cr. P.C., 1973) for grant of regular bail to the petitioner in case bearing FIR No.206 dated 15.07.2023, registered under Sections 25, 25(7) & 8 of the Arms Act, 1959 and Section 120-B of the IPC, 1860, at Police Station City Kharar, District SAS Nagar.

2. Case has been called out twice since morning, but none has caused appearance in support of the petition.

3. Dismissed for non-prosecution.

4. Pending application(s), if any, shall also stands disposed off.”

Since the first petition preferred by the petitioner was dismissed for non-prosecution and there was no adjudication on merits thereof, this Court is inclined to affirmatively consider the present petition as first petition, in the peculiar factual *milieu* of the case in hand.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the factual milieu of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail, if not required in any other case, 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.

CRM-M-9956-2026

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

March 05, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No