



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

224

CRM-M-18862-2026

Date of decision : 29.04.2026

Date of uploading : 29.04.2026

Jaswinder Kumar Alias Jass

.....Petitioner

Versus**State Of Punjab**

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Davinder Singh, 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.0027 dated 16.02.2026 under Sections 25, 54 of Arms Act, registered at Police Station Sadar Nawanshahar, District SBS Nagar.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

"Copy of the Statement," Chief Officer Police Station Sadar Nawanshahr Jai Hind, today I SI along with ASI Balwinder Kumar 433/SBS Nagar CIA Staff Nawanshahr, Constable Navdeep Singh 338/SBS. Bhs Nagar CIA Staff Nawanshahr, Constable Shivjot Moudgil 3289/TSS riding a government vehicle number PB65BG6326 whose driver is SC Jasvir Singh 553/S.B.S. Nagar along with laptop printer the who was police regarding the suspicious person standing near the canal bridge in village Kariha, then the informant informed the SI that Jaswinder Kumar alias Jass son of Sarabjit Ram resident of Gunachour police station Mukandpur and



Jaswinder of Krishan Lal resident of Kumar alias Binda son a Gunachour police station Mukandpur are roaming near the railway track with illegal weapons with the intention of committing some incident today. If the raid is conducted now, then they can be caught hold along with illegal weapons. The information is reliable and fulfills the requirement of Section 25 of the Arms Act 1959, on which a case has been registered against Jaswinder Kumar alias Jass son Sarabjit Ram resident Gunachour police station Mukandpur and Jaswinder Kumar alias Binda of of son of Krishan Lal resident of Gunachour police station Mukandpur. Gunachour Police Station Mukandpur, registered under the above section, I am writing to the police station of Jasvir Singh 553/SBS Nagar to register the case and inform the police about the case number. Special reports should be issued and sent to the service of the Honorable Area Magistrate Sahib and the officers should be informed at the control room. I am leaving for the spot along with my fellow employees. Sd/- Raspal Ram SI Police Station Sadar Nawanshahr Date 16-02-2026 Today at jurisdiction of Nehru Pul Village Kariha Time 09:00 PM Today Bana On the above written case being registered at the Mosul Police Station under the above section, the original written copy of the FIR is being sent to S/C Arinda Niyyad SI for investigation, special reports are being prepared and sent to the service of HC Davinder Kumar 607/SBSN Area Magistrate Sahib and Officers Bala Ji. Control room is being informed. Completion Report No. 36 dated 16.02.2026.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 16.02.2026. Learned counsel has further argued that the petitioner has been falsely implicated in the FIR in question primarily on account of his antecedent. Learned counsel has further submitted that the mandatory provisions of the BNSS have not been scrupulously complied with, and thus the recovery in question cannot be read against the petitioner. Learned counsel has further submitted that, upon culmination of the investigation, the challan already stands presented, and the conclusion of the trial will take a long time. Thus, regular bail is prayed for.



4. Learned State counsel has filed status report by way of affidavit dated 21.04.2026 in Court today. The same be kept on record. Copy thereof has been furnished to learned counsel for the petitioner. Raising submissions in tandem with the said reply, 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 28.04.2026 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 16.02.2026 wherein after investigation was carried out and challan stands presented on 16.04.2026. Total 10 prosecution witnesses have been cited but none has been examined till date. It is thus indubitable that culmination of trial will take its own time. The rival contentions raised by learned counsel 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 28.04.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2 months and 10 days & is shown to be involved in other cases. As per the said custody certificate, the petitioner is stated to be involved in 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.

11. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

29.04.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No