



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

221

CRM-M-22960-2026

Date of decision : 30.04.2026

Date of uploading : 30.04.2026

Jaswinder Kumar Alias Binda

.....Petitioner

Versus**State Of Punjab**

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Kapil Khanna, 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.0027 dated 16.02.2026 under Section 25 of Arms Act and Section 54 of Arms Act added later on, registered at Police Station Sadar Nawanshahr, 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:-

"Balwinder Kumar 433/SBS Nagar CIA Staff Nawanshahr, Constable Navdeep Singh 338/SBS Nagar CIA Staff Nawanshahr, Constable Shivjot S Moudgil 3289/TSS in Police vehicle No.PB65-BG-6326 whose driver Senior Constable Jasvir Singh 553/SBS Nagar alongwith Laptop Printer were on patrolling on the bridge on Canal Village Kariha then special informer informed me SI that Jaswinder Kumar alias Jass son of Sarabjit Ram resident of Gunchaur, Post Office Mukandpur and Jaswinder Kumar alias Binda resident of Gunachaur Police Station Mukandpur, today with intention to commit some conspiracy alongwith illegal weapon are



roaming on the turn of village Kariyha some far away of Rail line side, if raid be conducted then illegal weapon can be apprehended which information seems to be trustworthy and firm fulfills ingredients of Section 25 of Arms Act 1959, on which case for registration against Jaswinder Kumar alias Jass son of Sarabjit Ram resident of Gunchaur, Post Office Mukandpur and Jaswinder Kumar alias Binda resident of Gunachaur Police Station Mukandpur under above section for registering by willing by hand senior constable Jasvir Singh 553/SBS Nagar sent to Police Station after registration case number be informed, special report issued sent in service of Ld. Illaqa Magistrate Sahib and officers control room be informed. I SI alongwith co-policemen are going to raid. SD/- Rashpal Ram SI Police Station Sadar Nawanshahr, dated 16.02.2026 today in the jurisdiction of village Kaliha at 9:00 PM.”

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 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 29.04.2026 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 15.04.2026. 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 29.04.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2 months and 11 days & is not shown to be involved in any other cases.

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/Illaq 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

30.04.2026

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No