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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Ravinder Singh alias Kali alias Ravinder Kali alias Rajpoot

...Petitioner

V/s

State of Punjab

...Respondent

Date of decision: 18.02.2026**Date of Uploading : 18.02.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. A.P. Kaushal, 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 Nagrik Suraksha Sanhita seeking grant of regular bail to the petitioner in case bearing FIR No.0206 dated 15.07.2023, registered for the offences punishable under Sections 25 of the Arms Act, 1959 (Sections 25(7), 25(8)-54-59 of Arms Act and Section 120-B of IPC added later on) at Police Station City Kharar, District SAS Nagar (Mohali)

2. As per the prosecution case, the FIR in question was registered on the basis of secret information received by the police party while on patrol near Bus Stand, Kharar. The information disclosed that certain foreign-based gangsters were operating in the tri-city area of Mohali, Panchkula and Chandigarh and were indulging in extortion and violent crimes. One Deepak Singh @ Rana was stated to be coordinating the gang activities through mobile applications and managing financial channels for extortion money. During the course of investigation, the petitioner was

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nominated as an accused on the allegation that he was an associate of the said gang and was found in conscious possession of illegal firearms, which were allegedly intended to facilitate criminal activities of the gang. Recovery of weapons was effected during investigation and the petitioner was arrested on 24.07.2023 and is stated to be in custody since then.

3. Learned counsel for the petitioner has iterated that the petitioner is an innocent person and has been falsely implicated into the FIR question. Learned counsel has further iterated that the name of the petitioner does not appear in the original FIR and he has been subsequently nominated without any substantive material. It has been further submitted that the alleged recovery of firearms from the petitioner is stated to be wholly doubtful as no independent public witness was joined at the time of the alleged recovery and the entire case rests upon the testimony of official witnesses. Furthermore, no ballistic or forensic report has been placed on record to connect the recovered weapon with any criminal occurrence nor is there any allegation that the same was used in the commission of any offence. According to learned counsel, there is no specific overt act attributed to the petitioner in the alleged gang activities and the allegations against him are vague and based merely on suspicion. Learned counsel has emphasized that the co-accused, who is alleged to have played a more prominent role, has already been granted the concession of regular bail by this Court and, therefore, on the principle of parity the petitioner is also entitled to the same relief. It has been further argued that the petitioner has been in custody for a long period and the trial has not made any substantial progress. The continued incarceration in such circumstances serves no



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custodial interrogation. Learned counsel has further contended that the petitioner is suffering from Type-II diabetes requiring daily insulin, hypertension, breathing difficulties, fissures and piles requiring surgical intervention. According to learned counsel, the petitioner is not receiving adequate medical treatment in jail and his condition is deteriorating day by day. According to learned counsel, in such circumstances, no useful purpose would be served for continued incarceration of the petitioner. On the strength of these submissions, the grant of petition in hand is entreated for.

4. *Per contra*, learned State counsel has vehemently opposed the grant of bail to the petitioner by arguing that the allegations raised against the petitioner are serious in nature. Learned State counsel has iterated that the present case is not a simple recovery under the Arms Act but forms part of a larger investigation relating to the activities of an organized criminal gang involved in extortion and use of illegal firearms in the tri-city area of Mohali, Chandigarh and Panchkula. According to learned State counsel, the petitioner has been specifically named during investigation as an associate of the gang and illegal weapons have been recovered from his conscious possession. Learned State counsel has further submitted that the recovery was effected during investigation and the absence of independent witnesses at this stage does not demolish the prosecution case. It has been further contended that the petitioner is a habitual offender with an broad criminal history. In such circumstances, there is a strong likelihood that if released on bail, he may again indulge in similar offences or influence the witnesses.

With regard to the medical condition of the petitioner, learned State counsel

has submitted that adequate medical facilities are available in the jail and



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the petitioner has been provided treatment as per medical advice. It has been further submitted that the seriousness of the offence, the nature of recovery, the alleged connection with organized gang activity and the criminal antecedents of the petitioner outweigh the ground of long custody. According to learned State counsel, the trial is at a crucial stage and the release of the petitioner at this stage may hamper the prosecution case. Accordingly, the dismissal of the instant petition is prayed for.

5. I have heard learned counsel for the rival parties and have perused the available record.

6. The grant of bail falls within the discretionary domain of the court; however, such discretion must be exercised in a judicious and principled manner, ensuring it aligns with established legal precedents and the interests of justice. While considering a bail application, the court must evaluate factors such as the existence of prima facie evidence implicating the accused, the nature and gravity of the alleged offence, and the severity of the likely sentence upon conviction. The court must also assess the likelihood of the accused absconding or evading the due process of law, the probability of the offence being repeated, and any reasonable apprehension of the accused tampering with evidence or influencing witnesses. Additionally, the character, antecedents, financial means, societal standing, and overall conduct of the accused play a crucial role. Furthermore, the court must weigh the potential danger of bail undermining the administration of justice or thwarting its due course. A profitable reference in this regard is made to the judgment passed by the Hon'ble Supreme Court titled as *State through C.B.I. vs. Amaramani Tripathi, 2005 AIR Supreme*



14. *It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail (see **Prahlad Singh Bhati v. NCT, Delhi, 2001(2) RCR (Criminal) 377 (SC) : 2001(4) SCC 280** and **Gurcharan Singh v. State (Delhi Administration), AIR 1978 Supreme Court 179**). While a vague allegation that accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in **Kalyan Chandra Sarkar v. Rajesh Ranjan, 2004(2) RCR (Criminal) 254 (SC) : 2004(7) SCC 528** : "The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:*

- a. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.*
- b. Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.*
- c. Prima facie satisfaction of the court in support of the charge. (see **Ram Govind Upadhyay v. Sudarshan Singh, 2002(2) RCR (Criminal) 250 (SC) : 2002(3) SCC 598** and **Puran v. Ram Bilas, 2001(2) RCR (Criminal) 801 (SC) : 2001(6) SCC 338**."*

This Court also in specific terms held that :

"the condition laid down under section 437(1)(i) is sine qua non for granting bail even under section 439 of the Code. In the impugned order it is noticed that the High Court has given the period of incarceration already undergone



by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail."

In Panchanan Mishra v. Digambar Mishra, 2005(1) Apex Criminal 319 : 2005(1) RCR(Criminal) 712 (SC) : 2005(3) SCC 143, this Court observed :

"The object underlying the cancellation of bail is to protect the fair trial and secure justice being done to the society by preventing the accused who is set at liberty by the bail order from tampering with the evidence in the heinous crime..... It hardly requires to be stated that once a person is released on bail in serious criminal cases where the punishment is quite stringent and deterrent, the accused in order to get away from the clutches of the same indulge in various activities like tampering with the prosecution witnesses, threatening the family members of the deceased victim and also create problems of law and order situation."

7. The FIR in the present case came to be registered on the basis of secret information received by the police party while it was on patrol duty near Bus Stand, Kharar. The information disclosed that certain foreign-based gangsters were operating in the tri-city area and were indulging in extortion by use of firearms and that one Deepak Singh @ Rana was coordinating the activities of the gang. During the course of investigation, the petitioner came to be nominated as an accused on the allegation that he was an associate of the said gang and was found in conscious possession of illegal weapons. The recovery of firearms has been attributed to him during the investigation. The contention of learned counsel for the petitioner that

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been subsequently nominated does not, by itself, create a ground for grant of regular bail, as it is well settled that an accused can be arrayed during the course of investigation if sufficient material surfaces against him. Furthermore, the argument regarding absence of independent witnesses at the time of recovery and non-production of ballistic report are matters require appreciation of evidence during the course of trial. It is apt to mention herein that the petitioner has a long criminal history involving a large number of cases registered in different districts and even different States. Though in some of the cases he has been acquitted or has undergone sentence but the nature of the cases cannot be ignored while considering the plea for grant of regular bail. The criminal antecedents of an accused are a relevant factor while considering the prayer for bail, particularly where there is a reasonable apprehension that the accused, if released, may indulge in similar activities or may attempt to influence witnesses.

8. Furthermore, the plea of parity raised on behalf of the petitioner is misconceived as the parity is not to be applied in a mechanical manner. In the considered opinion of this Court, the role attributed to each accused, their antecedents and other attending circumstances are required to be considered while deciding the plea for grant of bail. The petitioner has also sought bail on the ground of prolonged custody and snail pace of the trial. Though it is true that the petitioner has been in custody for a considerable period but the seriousness of the allegations and his criminal antecedents weigh heavily against him. The material which has been placed on record does not show that the delay in trial is solely attributable to the prosecution. In such circumstances, long custody, by itself, cannot be



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petitioner is concerned, it is not disputed that he is suffering from certain ailments and was earlier granted interim bail on medical grounds. The medical condition of the petitioner, in the facts and circumstances of the present case, does not by itself justify the grant of regular bail.

9. Considering the nature of allegations, the recovery of illegal firearms, the *prima facie* material indicating the association of the petitioner with an organized gang and his extensive criminal antecedents, this Court is of the considered view that there exists a reasonable apprehension that, if released on bail, the petitioner may indulge in similar activities or may tamper with the prosecution witnesses Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of regular bail.

10. In view of the prevenient ratiocination, it is ordained thus:

- (i) The petition is devoid of merits and is hereby dismissed.
- (ii) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.
- (iii). Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

February 18, 2026
Ajay

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