

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-65993-2025 (O&M)

Mandeep Singh @ Pinku

...Petitioner

Versus

State of Punjab

...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	17.03.2026
2	The date when the judgment is pronounced	19.03.2026
3	The date when the judgment is uploaded on the website	19.03.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Dinesh Ghai, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J.

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 16 dated 11.09.2025, registered under Sections 25 and 27 of the Arms Act, 1959, Sections 10, 11 and 12 of Aircraft Act, 1934 and Section 113(1)(a)(v) of BNS, 2023 at Police Station State Special Operations Cell, District Fazilka.
2. Brief facts of the case relevant for the disposal of the present petition are that on 11.09.2025, a police party headed by Inspector Satinderdeep Singh was on secret operational duty in search of suspicious persons. When the police party passed through village Maujam and reached the embankment, a

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team of BSF joined them and they reached near the cremation ground of village Khiva, where a secret informer met them and told that Mangal Singh @ Mangli and Gurmit Singh, who were involved in smuggling of arms/ammunitions, had smuggled a large consignment of arms/ammunitions on 10-11.09.2025 from Pakistani smugglers and had hidden the same in the nearby fields. Believing the information to be true, a ruqa was sent to the police station concerned and the present FIR was registered. Accused Mangal Singh @ Magli and Gurmeet Singh were apprehended by the police party with the help of BSF officials. Upon their search, 27 pistols of .30 bore along with magazines, 27 extra magazines, 420 live cartridges of .30 bore and 50 live cartridges of 9 mm were recovered from them. They suffered disclosure statements admitting their involvement in the subject crime and also disclosed that they along with the present petitioner had sent a location through Whatsapp to a Pakistani smuggler for the purpose of receiving consignment of arms/ammunitions. The petitioner had kept some live cartridges out of the consignment received and had proceeded to arrange a vehicle for transporting the same but in the meantime, the same was recovered by the police. The petitioner was nominated in this case as an accused and was arrested on 17.09.2025. Recovery of 15 live cartridges of .30 bore was effected from him. During the course of investigation, offence under Section 113(1)(a)(v) of BNS was added as it was found that the accused persons had cut the barbed wire installed at the border for security of nation. Investigation now stands completed and challan has been filed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the disclosure statement of the above named co-accused, which cannot be considered to be admissible in

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evidence. He was neither named in the FIR nor was found present at the spot when both the co-accused were apprehended. A false recovery was planted upon him. The ingredients for commission of offence punishable under Section 113(1)(a)(v) of BNS as well as for offences punishable under Section 10, 11 and 12 of the Aircraft Act are not attracted against the petitioner. The only allegation against the petitioner is that he along with the abovenamed co-accused had sent Whatsapp message to a Pakistani smuggler. The petitioner had clean antecedents but after his implication in this case, another FIR bearing No. 145 dated 11.10.2025 has been registered against him under the provisions of the Arms Act and Section 111 of BNS at Police Station Sarhali. It is further argued that investigation in the present case has since been completed and challan has been filed. Conclusion of trial is likely to take considerable time as no prosecution witness has been examined so far out of total ten witnesses. The petitioner is in custody since 17.09.2025 barring period of his interim bail. He has not misused the concession of interim bail and has surrendered back after availing the same. The petitioner has permanent abode and he is not a flight risk. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report and the custody certificate have been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner as well as his criminal antecedents, he is not entitled to get benefit of bail as he along with co-accused had not only received consignment of illegal arms/ammunitions from Pakistani smugglers but had also posed serious threat to the security of the nation by damaging the barbed wire at the border. Trial may be expedited. There are

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chances of the petitioner's absconding or committing similar offences, if released on bail. It is, thus, urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

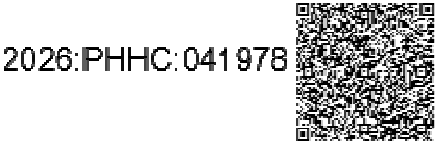
6. The petitioner along with the co-accused is alleged to have received a consignment of illegal arms/ammunitions through drone from a Pakistani smuggler. They are also alleged to have cut the barbed wire installed at the Indo-Pak border during the process of receiving the said consignment. However, a perusal of the record reveals that the case of the prosecution, insofar as the present petitioner is concerned, rests primarily upon the disclosure statements of the co-accused. Admittedly, the petitioner was neither named in the FIR nor apprehended at the spot from where a substantial recovery of arms and ammunition was effected. The recovery allegedly effected from the petitioner is of 15 live cartridges, which though not insignificant, is comparatively of a lesser magnitude than the recovery effected from the co-accused. The evidentiary value and admissibility of the disclosure statements as well as the extent of the petitioner's complicity are matters to be adjudicated during trial. Though the allegations levelled against the petitioner are serious in nature, particularly in view of the alleged involvement in smuggling of arms and the addition of offence under Section 113(1)(a)(v) of BNS, yet the rigours of pre-trial incarceration cannot be permitted to operate as a measure of punishment, especially when the trial is not likely to conclude in the near future and the role attributed to the petitioner is yet to be conclusively established. So far as another case registered against him is concerned, it is an admitted position that the same was registered subsequent to registration of the present FIR and during the time when the petitioner was in custody in this case. It is also significant to note that

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the petitioner was previously granted interim bail and there is nothing on record to suggest that he has misused the concession so granted. He is stated to have a fixed place of abode and his presence during trial can be secured. The apprehension expressed by learned State counsel regarding the petitioner absconding or indulging in similar offences can be adequately addressed by imposing stringent conditions. The petitioner is in custody since 17.09.2025 barring a brief period of his interim bail. Investigation has since been completed and challan has been filed. Conclusion of trial is likely to take considerable time as no prosecution witness has been examined so far. In view of the aforesaid facts and circumstances, this Court is of the considered opinion that continued detention of the petitioner is not going to serve any useful purpose. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal bonds and surety bonds by two sureties to the satisfaction of the trial Court/Duty Magistrate concerned and on the following conditions:-

- (i) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) he shall deposit his passport, if any, with the learned trial Court and not leave the country under any circumstance without permission of the learned trial Court.
- (iii) he shall appear before the learned trial Court as and when directed.
- (iv) he shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.



(v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switched on all times.

7. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.
8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

19.03.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>