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2026:PHHC:001079



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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRM-M-72538-2025**

Jodhbir Singh @ Jodha

....Petitioner

versus

State of Punjab

....Respondent

Date of decision: January 09, 2026**Date of Uploading: January 09, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:-** Mr. Harmanpreet Singh, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG Punjab.

SUMEET GOEL, J. (ORAL)

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.196 dated 14.09.2025, for the offence punishable under Sections 7 & 25/ 54/ 59 of the Arms Act, 1959 (for short 'Arms Act') and Section 238 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), registered at Police Station Cantonment District Police Commissionerate.

2. The gravamen of allegations against the petitioner is that the petitioner is an accused of being involved in an FIR pertaining to Arms Act involving alleged recovery of 3 pistols of 32 bore and one revolver 32 bore from the petitioner.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 17.09.2025. Learned counsel has further argued that the

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petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that mandatory provisions of law have not been complied with by allegedly effecting recovery from the petitioner and, thus, the prosecution case suffers from inherent defects. Learned counsel has further argued that, in any case, investigation *qua* FIR in question is already complete and challan stands presented and conclusion of the trial will take long time since 12 prosecution witnesses have been cited, but none has been examined till date. 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 custody certificate dated 08.01.2026 in the Court today, 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 17.09.2025 whereinafter investigation was carried out and challan has been presented on 13.11.2025. It is not in dispute before this Court that out of total 12 cited prosecution witnesses, none has been examined till date. It is, thus, indubitable that conclusion of the trial will take its own time. The rival contention 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

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absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 08.01.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 03 months and 19 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*.

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:

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- (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.

(SUMEET GOEL)
JUDGE

January 09, 2026

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No