

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28096-2025
Reserved on: 01.08.2025
Pronounced on: 08.08.2025

Gobind Singh @ Kundan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Tejbir Singh Hundal, Advocate for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

| FIR No. | Dated | Police Station | Sections |
|---------|------------|----------------------|---|
| 89 | 31.10.2024 | Mehna, District Moga | 111, 111(2), 111(3), 111(4), 318(4), 341(2) BNS and 25(6)(7)(8)/54/59 of Arms Act |

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. As per paragraph 06 of the bail application and para 10 of the status report dated 20.07.2025, the petitioner has the following criminal antecedents:

| Sr. No. | FIR No. | Date | Offenses | Police Station |
|---------|---------|------------|------------------------------------|------------------|
| 1. | 49 | 09.05.2018 | 21/22 of NDPS Act | Badhni Kalan |
| 2. | 204 | 08.11.2018 | 25/27 of Arms Act | Baghapurana |
| 3. | 45 | 31.03.2021 | 436, 379-B, 354, 506, 148, 149 IPC | Nihal Singh Wala |

3. The facts and allegations are being taken from the status report dated 20.07.2025 filed by the State, which reads as follows:

4. That brief facts of the case are that on 31.10.2024 a police party headed by ASI Balwinder Singh of CIA Staff, Moga alongwith printer and laptop was present at Bus Stand Mehna, situated at Moga-Ludhiana Road, then special informer came there and informed that Gurdeep Singh @ Neeta son of Major Singh r/o Khosa Pando, Lovepreet Singh @ Lovi son of Buta Singh resident of Khosa Pando, Gobind Singh @ Kundan son of Resham Singh r/o Manuke, Davinder Singh @ Baba son of Avtar Singh r/o Kale Kc, District Moga, Jaspreet Ram @ Jassi son of

Tarsem Lal resident of Rajeana who are habitual of committing organized crime as one gang member and earlier also various cases have been registered against them and they are proclaimed offender. They are gathering in order to commit some big crime in Moga City and among them Gurdeep Singh Neeta along with illegal ammunition in Mohindra XUV color White No DL12CN7991 which bears forged Plat number is present near Godam Link Road Village Bughipura Main GT Road Moga Ludhiana and is waiting for remaining accomplices. If raid be conducted now then Gurdeep Singh @ Neetal could be apprehended and illegal arms ammunition could be recovered from him. The information is solid and reliable therefore act of Gurdeep Singh @ Neeta, Lovepreet Singh @ Lavi, Gabind Singh @ Kundan, Gobind Singh @ Kundan @ Baba Ram Jassi of coming organized crime as a gang pasting forged number on the vehicle and possessing weapons the ingredients of offence under section 111, 111(2), 111(3), 111(4), 318(4), 341(2) BNS 25 (6), (7), (8)-54-59 of Arms Act is made about against them. So, ASI Balwinder Singh got registered the present case by sending the ruqa to the police station.

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial quantity, or violates S. 19, or 24, or 27-A of the NDPS Act, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the status report.

REASONING:

7. Nothing was recovered from the possession of petitioner, he being a member of gang and involvement in organized crime is to be proved by way of evidence. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per the custody certificate dated 31.07.2025 the petitioner's total custody in this FIR is 06

months and 24 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

8. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

| | | |
|----|--|--|
| 1. | AADHAR number | |
| 2. | Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk. | |
| 3. | Mobile number (If available) | |
| 4. | E-Mail id (If available) | |

12. This order is subject to the petitioner's complying with the following terms.

13. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case, or dissuade them from disclosing such facts to the Police or the Court.

14. Given the background of allegations against the petitioner, it becomes paramount to protect the members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons,

firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days of release from prison and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

15. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

16. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Sessions Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

19. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

08.08.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.