

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

**CRM-M-32048-2025
Reserved on: 06.08.2025
PRONOUNCED ON: 22.08.2025**

SHAGANPREET SINGH ALIAS GULLU **...PETITIONER**

VERSUS

STATE OF PUNJAB **...RESPONDENT**

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amit Gupta, Advocate for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
16	10.03.2025	Sarai Amanat Khan, District Tarn Taran	25(8)/54/59 of Arms Act

- The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
- Per paragraph 11 of the bail application and para 9 of the short reply, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	293	18.11.2024	25/27 of Arms Act	Gharinda, District Amritsar

- The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That the true facts leading to the present case are that on 10.03.2025, the Investigating Officer along with other Police Officials were going from CIA Tarn Taran to Sarai Amant Khan in relation to search of anti-social elements. When the Police Party reached near Adda Rakh Bhuse then, a secret informer gave information that Shaganpreet Singh @ Gullu, Son of Beant Singh i.e. the present petitioner used to bring Pistol from Pakistan and further sell the same. Today also, he (Shaganpreet Singh @ Gullu/the petitioner) is waiting for someone on his motorcycle near Rakh Bhuse Palli and if raid is conducted, then he (the petitioner) can be apprehended with pistol. Upon this, the Investigating officer along with other Police officials reached near Rakh Bhuse Palli, then one young person was seen who was standing near his motorcycle and was seeing his mobile phone. Then, the said

young person was apprehended by the Investigating Officer along with the help of Police officials and asked his name and address who disclosed his name as Shaganpreet Singh @ Gullu, Son of Beant Singh i.e. the petitioner. Before his search, the efforts were made by the Police party in order to join as public witness. Upon conducting the search of Shaganpreet Singh, a Loaded pistol Glock was recovered from his left waist and for magazine, two live 9 mm cartridges were recovered. The accused Shaganpreet Singh could not produce any license in respect of the recovered pistol. The Motorcycle bearing registration No. PB-02-AF-3256 made Kawasaki was taken into Police possession through separate memo and in this regard, the present case FIR No. 16 dated 10.03.2025, under section 25(8) of the Arms Act was registered at Police Station Sarai Amanat Khan, District Tarn Taran against the petitioner namely Shaganpreet Singh alias Gullu.”

4. Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and factitious recovery of fire arms and ammunition had been foisted upon the accused. The petitioner's counsel prays for bail by imposing any stringent conditions including surrender of fire arms, if any. In case, he repeats the offence or commit any offence where the sentence is more than 07 years, he would have no objection, if State files an application for cancellation of bail. He further contends further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to paras 7 and 8 of the reply, which read as follows:

“ROLE OF THE PETITIONER:

7. That the deponent humbly submits that as far as the role of the petitioner is concerned, the petitioner is a part of nefarious arms smuggling syndicate having its reach beyond the borders of the country and Glock pistol as well as 2 live cartridges of 9 MM were recovered from the possession of the petitioner. As such, the petitioner has committed the serious offence and he is not entitled for the concession of regular bail.

EVIDENCE AGAISNT THE PETITIONER:

8. That the deponent humbly submits that as far as the evidence against the petitioner is concerned, it is humbly submitted that there are direct allegations against the petitioner and Glock pistol and 2 live cartridges have been recovered from the possession of the petitioner. As such, there is ample evidence against the petitioner.”

REASONING:

6. 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.

7. Per paragraph 7 of the bail petition, the petitioner has been in custody since 10.03.2025. Per the custody certificate dated 05.08.2025, the petitioner's total custody as of now is more than 05 months. No useful purpose would be served by detaining the petitioner behind the bar.

8. 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.

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. This order shall come into force from the time it is uploaded on this Court's official webpage.

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 firearm(s). [This restriction is being imposed based on the preponderance of evidence of probability and not of evidence of certainty, i.e., beyond 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 from release from prison and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case, provided

otherwise permissible in the concerned rules. Restricting firearms would instill confidence in society; it would also restrain the accused from influencing the witnesses and repeating the offense.

15. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense. In *Mohammed Zubair v. State of NCT of Delhi*, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

16. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

17. 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.

19. This bail is conditional, and the foundational condition is that if the petitioners indulge in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

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

21. 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.

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

22.08. 2025
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(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned: Yes
Whether reportable: No.