

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

CRM-M-48492-2024
Date of Decision: 07.01.2025

Ranjit Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vivek Salathia, Advocate
for the petitioner.

Mr. Jasjit Singh, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0024	23.11.2021	State Special Operations Cell, Amritsar	120, 120-B IPC, 3, 4, 5 of Explosive Substance (Amendment) Act, 1908 and 25 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. Per paragraph 12 of the bail application, the accused has the following criminal antecedents:-

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	0121	05.09.2021	323, 341, 506, 148, 149 IPC	Dhanaula, Bar- nala

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

"2. That, the brief facts of the case are that, on 23.11.2021, Sub Inspector Nivritpal Singh received a secret information regarding radical inclination and anti-national activities of Petitioner Ranjit Singh s/o Surmukh Singh r/o Sohal PS Jhabal Dist. Tarn Taran. The information elaborated the association of Ranjit Singh with radical elements based in UK and other countries through social media and forming sleeper cells under the garb of social work and procurement of funds through

different channels. Information further elaborated that a consignment of arms, ammunitions and explosives was procured by petitioner Ranjit Singh through UK based contacts. Information further elaborated the presence of above petitioner Ranjit Singh in the area of village Bundala, near Amritsar-Tarn Taran by-pass, for the execution of criminal activity. Thereafter, present case FIR No. 24 dated 23.11.2021 u/s 25 Arms Act, 3, 4, 5 Explosive Substances (Amendment) Act, 2001, 120, 120-B IPC, PS SSOC, Amritsar was registered against above petitioner.

3. *That, investigation resulted in the arrest of petitioner Ranjit Singh with Motorcycle Bullet registration No. PB02DA6685, from the area of Village Bandala. The personal search of the petitioner Ranjit Singh resulted in recovery of 01 Pistol 9 MM with 05 live bullets alongwith Mobile Phone Samsung with 9815328828 9876004554 and Rs. 750/-INR, from his possession.*

4. *That, during the course of investigation, on the disclosure of petitioner Ranjit Singh, 01 Pistol of 9 MM along with 03 magazines and 20 live bullets and 02 hand grenades were recovered from the tube well room in his farms at village Sohal, Tarn Taran.”*

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 State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply dated 15-10-2024, which read as follows:

“Role of the petitioner

That during investigation, it was revealed that petitioner Ranjit Singh came in touch with one Jagjit Singh alias Harry s/o Joginder Singh r/o Jarman Colony Faridkot, now Jhabal Tarn Taran currently based in UK through social media platform, who was actively involved in radical activities, who motivated the petitioner. Subsequently, in October 2021, Petitioner retrieved a consignment of weapons/explosive from a designated location, arranged by above Jagjit Singh alias Harry r/o U.K. Petitioner was further instructed to secure the consignment, which was further to be used in big criminal activities on the instructions of Jagjit Singh Harry r/o U.K.

Evidence Against the Petitioner

(a) *That during investigation, petitioner suffered disclosure statement that he was associated with one Jagjit Singh alias Harry r/o U.K, involved in radical activities. 01 Pistol 9 MM with 05 live bullets were recovered from the personal possession of petitioner. Moreover, on the disclosure of petitioner, 01 Pistol of 9 MM (Beretta) along with 03 magazines and 20 live bullets and 02 hand grenades Concealed in the tube well room of his farms at village*

Sohal Tarn Taran were recovered.

(b) The forensic analysis of recovered mobile phone Galaxy A52 of petitioner Ranjit Singh was got conducted, which revealed his association with handler Jagjit Singh alias Harry r/o U.K (+447786205094, +447853000767) through whatsapp. The photographs of the recovered consignment and location were found to be present in the mobile phone, from where petitioner retrieved the consignment of weapons and explosives.

(c) The connectivity of petitioner Ranjit Singh (mobile no. 9815328828, 9876004554) with handler Jagjit Singh alias Harry r/o U.K (+447786205094, +447853000767) stands established on the basis of technical analysis of CDR.”

7. On 13.11.2024, this Court had passed the following order:-

“The concerned DySP to file response after interacting with the concerned Public Prosecutor that what happened in the trial before the concerned JMIC, Amritsar.

List on 20.11.2024.

State to show all the files with the Public Prosecutor before the JMIC, Amritsar to this Court on the next date of hearing. No document shall be removed.”

8. Pursuant to the said order, the concerned DySP had filed its reply dated 20.11.2024. Perusal of the reply reveals that trial was initially before the Judicial Magistrate Ist Class at Amritsar and later on, it had to be transferred to Additional Sessions Judge. All this has resulted in massive delay in trial. As per custody certificate dated 07.01.2025, the petitioner has undergone 03 years, 01 month and 07 days of sentence.

9. 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 paragraph 8 of the bail petition, the petitioner has been in custody since 23.11.2021. Per the custody certificate dated 07.01.2025, the petitioner's total custody in this FIR is 03 years, 01 month and 07 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.

10. 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.

11. 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.

12. 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)	

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

14. 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.

15. This bail is conditional, and the foundational condition is that if the petitioner indulges 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.

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

17. 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.

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

(ANOOP CHITKARA)
JUDGE

07.01.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.