

CRM-M-7760-2025

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

CRM-M-7760-2025
Reserved on: 21.04.2025
Pronounced on: 28.04.2025

Akashdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ankit Kharbanda, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0162	03.09.2024	Gate Hakima, District Amritsar	309(4), 333, 238, 61 & 3(5) of BNS 2023 and Section 27 of Arms Act 1959 (Section 309(4), 333, 238 & 61 of BNS 2023 and 27 of Arms Act added later on and Sections 304(2) of BNS & 25 of Arms Act deleted later on)

1. 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.
2. In paragraph 7 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That it is submitted that the facts of the present case FIR No. 162 dated 03.09.2024 (supra) are that on 03.09.2024, statement of the complainant Harpreet Singh was recorded by ASI Tarlochan Singh, Police Post Anngarh, Police Station Gate Hakima, Amritsar wherein it was alleged that the complainant runs a shop namely Dashmesh Telecom opposite Grain Market, Bhagtanwala, Amritsar for selling old and new mobile

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phones and recharging the same. On 03.09.2024 at about 2:30 to 03PM, the complainant was standing at his shop then three unidentified youngsters came on foot to the complainant, who had covered their faces with cloth and one of them was having pistol. The above said persons snatched Rs. 40,000/- from the complainant and fled away. The complainant further stated that he can identify the above said persons and later on came to know that the above said persons had come of one Activa scooter colour black which was parked at some distance in the street and after snatching money from the complainant, they had fled away from the spot on the same Activa scooter. Therefore, based on the aforesaid statement, the present case FIR No. 162 dated 03.09.2024 was initially registered under Sections 304 (2), 3 (5) BNS and Section 25/54/59 Arms Act, at Police Station Gate Hakima, Amritsar by ASI Tarlochan Singh.”

4. The petitioner's counsel submits that petitioner has not been named in the FIR and even he is in custody for last 07 months & 10 days. He further 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, which read as follows:

“15. That the deponent humbly submits that the present petitioner-accused Akashdeep Singh has played a pivotal role in commission of crime. The present petitioner-accused-Akashdeep Singh and co-accused Karandeep Singh @ Gola had snatched cash amount from the complainant and co-accused Rahul was holding pistol.”

REASONING:

7. Although there are allegations of snatching against the petitioner, but considering the undertaking by the petitioner in the order dated 21.04.2025, this Court deems it appropriate to give a chance to the petitioner to mend his ways. 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.

8. Per paragraph 6 of the bail petition, the petitioner has been in custody since 07.09.2024. Per the custody certificate dated 19.04.2025, the petitioner's total custody in this FIR is 07 months & 10 days.

9. 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, subject to the compliance of terms and conditions mentioned in this order.

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.

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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. 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.

16. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to 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.

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

(ANOOP CHITKARA)
JUDGE

28.04.2025

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Whether speaking/reasoned: Yes

Whether reportable: No.