

313 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30323-2025
Reserved on: 03.07.2025
Pronounced on: 24.07.2025

LOVEPREET SINGH ALIAS LABHA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Inderpal Singh, Advocate for
Mr. Tarun Sharma, Advocate for the petitioner.
Ms. Pooja Nayar Sharma, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
176	13.12.2023	Dakha, District Ludhiana Rural	393/336 of IPC, 1860 and Section 25 of Arms Act, 1959 (Sections 473/387 IPC, 1860 and Sections 27 of Arms Act, 1959 added 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. Per paragraph 16 of the bail application and the reply/custody certificate, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	227	18.12.2023	22/25/61/85 of NDPS Act, 25(6), (7) (8)/54/59 Arms Act and 387/120-B/336 IPC	Sadar Jagraon

3. The facts and allegations are being taken from the status report dated 02.07.2025 filed by the State, which reads as follows:

“ That the brief facts of the case are that on 13-12-2023, complainant Parminder Singh son of Kuldeep Singh r/o H. No. 1/243, Gurcharan Nagar,

College Road, Dakha gave statement to the police that his show room namely Raju Jewellers is situated on Jain Bhawan Road, Mandi Mullanpur. He and his younger brother Kulwant Singh are running this show room. On that day, he received one phone call on mobile No. XXX58-30680 of their show room from mobile No. +XXX8122235 and the caller told him that they had done the work in front of his house. The Complainant immediately switched off the mobile phone and made enquiry from his house. His family members told him that nothing happened at his house. Similarly his brother Kulwant Singh @ Raju also made enquiry from the house.

3. That the complainant further stated that after reaching at house, they checked the footage of the CCTV Cameras and detected that 3 persons, with muffled face, were seen coming and entering into the passage which leads to their house and they fired in the air when they reached near his house. But there is no sign showing of that firing at his house.

4. That the complainant further stated that he received phone call again on his mobile phone and the caller demanded amount of Rs. 2 Crores from him and threatened him to face consequences in case non-payment of this amount. After leaving his brother Kulwant Singh at home, the complainant gave statement to the police at Humbran T-Point, Mullanpur. He requested the police to take action against the callers. On this statement, FIR No. 176 dated 13-12-2023 u/s 393/336 IPC and u/s 25 Arms Act was registered in PS Dakha against unknown persons.”

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. He further submits that the co-accused has been granted regular bail by this Court as Annexures P-3 and P-4 vide orders dated 22.04.2025.

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:

“That the role of the petitioner in this case is that the co-accused with the help of petitioner and some of the accused persons who are nominated on dated 29-12-2023, have fired in the air from pistol before the house of the complainant to threatened him & his family and thereafter demanded amount of Rs. 2 Crores from the complainant failing which the complainant has to face the consequences.

REASONING:

7. As per the prosecution case, three persons with muffled faces came in front of the house of the complainant on a motorcycle, who were visible in the CCTV footage. The allegations against the petitioner are that he helped the co-accused who have fired in the air

from pistols in front of the complainant's house and thereafter, they demanded amount of Rs.2 crore from him on phone failing which he was threatened to face the consequences. A perusal of para No.3 of the status report shows that it was clearly mentioned that there is no sign of firing on complainant house. Moreover, the mobile was used for threatening the complainant and the motorcycle, on which they came, nothing was recovered from the petitioner. Nevertheless, given the undertaking by counsel for the petitioner that he would have no objection in case the petitioner repeats the offence where the sentence prescribed is three years or more, then the State shall file an application for cancellation of his bail and co-accused already granted bail, as such, he is entitled to bail.

8. 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 6 of the bail petition, the petitioner has been in custody since 18.12.2023. Per the custody certificate dated 02.07.2025, the petitioner's total custody in this FIR is more than 01 year, 06 months and 02 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.

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.

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. Given the background of allegations against the petitioner, it becomes paramount to protect the victim, and their family members, as well as 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 the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

16. 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."

17. 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.

18. 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 petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of bai in all FIRs pending against the petitioner 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.

(ANOOP CHITKARA)
JUDGE

24.07.2025

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Whether speaking/reasoned: Yes

Whether reportable: No.