

CRM-M-64999-2024

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

CRM-M-64999-2024
Reserved on: 08.04.2025
Pronounced on: 29.04.2025

Bhupinder Singh alias Bhupi Rana

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ashish Pundir, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
169	30.03.2023	Parao Ambala Cantt, District Ambala	25(1)(6) of Arms Act 1959 (Charge under Sections 25(6) & 25(8) of Arms Act 1959 was framed against the petitioner vide order dated 28.08.2024)

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 18 of the bail petition and custody certificate dated 03.04.2025, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	168	07.08.2021	302, 34, 473, 120B IPC and 25/27/54/59 of Arms Act	Mataur, Mohali
2	29	11.05.2019	307, 336, 427, 120B and 25/54/59 of Arms Act	Nayagaon, SAS Nagar
3	276	02.09.2022	25 of Arms Act	Special Cell, New Delhi
4	38	2022	25 of Arms Act	Special Cell, New Delhi
5	392	12.09.2023	25(6)(7) of Arms Act and 201 IPC	Chandimandir, Distt. Panchkula
6	33	21.01.2023	25(1)(A), 25(1AA)of	Chandimandir, Distt.

CRM-M-64999-2024

			Arms Act 2019 and 201 IPC	Panchkula
7	178	18.10.2023	25(7)(8), 54, 59 of Arms Act and 406/420 IPC	Balongi, Kharar, Distt. SAS Nagar
8	2	03.01.2024	471, 474, 465 IPC and 25/54/59 of Arms Act	City Kharar
9	278	23.06.2024	25(6)(7) of Arms Act	Chandimandir, Distt. Panchkula
10	256	17.10.2024	109, 308(5), 61(2), 324(4), 111 BNS and 25/54/59 of arms Act	City Kapurthala, Distt. Kapurthala
11	555	2018	148, 149, 323, 506 IPC	Baldev Nagar, Ambala
12	59	2018	212, 216, 392, 384382, 473, 506, 148, 149, 120B IPC	Sadar Rajpura, Distt. Patiala
13	581	2017	392 IPC and 25/54/59 of Arms Act	Thanesar, Kurukshetra
14	104	25.03.2021	341, 307, 302, 120B, 473, 201 IPC and 25 of Arms Act	Ambala City, Ambala
15	302	2019	42, 148, 149, 186, 323, 332, 353 IPC Baldev Nagar, Ambala	Baldev Nagar, Ambala
16	153	25.11.2024	109, 3(5) of BNS and 25/54/59 of Arms Act	Kartarpur
17	19	2025	25 of Arms Act	Kiratpur Sahib
18	8	04.01.2017	307, 34 IPC and 25 of Arms Act	City Jagadhri, Distt. Yamunanagar

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

“That as a matter of fact, the present case was registered against the accused-petitioner and other co-accused on the ruka of SI Jaswinder Singh CIA Staff-2, Ambala Cantt. The contents of FIR are as under:-

"To, In-charge Officer, Police Station Parao, Jai Hind. Today I Sub Inspector alongwith Head Constable Dharambir Singh No.1292 Ambala, E.H.C. Ramesh Chand No.1208 Ambala and E.S.I. Sharwan Kumar No.115 Ambala in official vehicle bearing registration No. HR37D-0012 being driven by C. Sandeep Kumar No.837/Ambala were present near Railway Colony Bridge Ambala Catt for patrolling and checking of crime. Then from the side of Anand Market Ambala, one young boy was seen coming on foot, who on seeing the police party standing in front, he immediately turned back and started walking with fast steps. With the help of fellow police officials, Sub-inspector caught him after a few steps and asked his name and address. On being asked by I Sub

CRM-M-64999-2024

Inspector, he told his name and address as Gurpreet Singh alias Ghoda son of late Sukhwinder Singh resident of village Kanwala police station sector 9 Ambala City district Ambala. On searching him on the basis of suspicion, a loaded country made pistol was recovered from the right side of his pants. On checking the barrel, one live round was recovered from inside the barrel and one live round was recovered from the right side of the pants. I Sub-inspector told the people coming to the spot about the situation and asked them to become witnesses. But everyone left the spot one by one citing their legitimate compulsions. On measuring the country made pistol, the length of the barrel was 12.5 cm, the length of the body was 10.0 cm and the length of the butt was 9.0 cm. 8 mm KF is written on both the balls. After preparing separate sketch of country made pistol and live rounds, recovered country made pistol and 02 rounds were put in a plastic box and a separate parcel was prepared. I, Sub Inspector affixed my seal impression JS on the parcel and sealed with same. I Sub Inspector handed over m seal, after use, to E.H.C. Ramesh Chand No. 1208 Ambala. Recovered country made pistol and both live rounds were taken into police custody as evidence vide separate memo. I Sub Inspector instructed Gurpreet Singh alias Ghoda to prove any license or permit for possessing country made pistol and rounds but above mentioned Gurpreet Singh alias Ghoda could not produce any license or permit for possessing country made pistol and live rounds. Accused Gurpreet Singh alias Ghoda by possessing recovered country made pistol and live rounds without any permit or license has committed an offence under Section 25 1(a) Arms Act amended 2019. On that writing is being sent through E.H.C. Sharwan Kumar No.1115 Ambala to police station for registration of case against Gurpreet Singh alias Ghoda under above mentioned offence. After registration, case number be intimated. I requested Inspector C.I.A. 2 Ambala Cantt telephonically to send another Investigating Officer. I Sub Inspector is busy in investigation on the spot. Today Near Naach Ghar, Railway Colony, Ambala Cantt. Sd/-Jaswinder Singh SI CIA-2 Ambala Cantt. Dated 30.03.2023." Hence, the present case was registered."

4. The petitioner's counsel prays for bail by imposing any stringent conditions including surrender of firearms, if any. He further submits that petitioner shall not repeat

CRM-M-64999-2024

the offence and would not commit any offence in which sentence is more than three years and if he does not, he would have no objection if State files application for cancellation of bail. Counsel further 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:

"7. That on 19.04.2023, accused-petitioner-Bhupinder Singh @ Bhupi Rana was produced before the Court of Ld. Illaqa Magistrate and after getting permission from Ld. Court, he was joined in the investigation and interrogated in the aforesaid case and was arrested in this case. During the interrogation, the disclosure statement of the accused was written separately in which he has admitted that on his asking accused Aman @ Gappu had given country made pistol .315 bore and two live cartridges to accused Gurpreet Singh. Accused and witnesses signed on the disclosure statement, statements of the witnesses have been recorded. Thereafter, accused-petitioner Bhupinder Singh @ Bhupi Rana was produced before the Court of Ld. Illaqa Magistrate and was sent to judicial custody. It has come in the investigation that the accused Aman @ Gappu has already died."

REASONING:

7. An analysis of the above would lead to the following outcome.

8. Perusal of the reply clearly mentions that recovery of pistol was made from Gurpreet Singh in March 2023. On 01.04.2023, accused Gurpreet Singh, during his interrogation, in his disclosure statement informed the investigator that arms were provided to him on the instructions of petitioner-Bhupinder Singh, who was confined in District Jail Kurukshetra and now he is in Patiala. Subsequently, the police interrogated the petitioner-Bhupinder Singh @ Bhupi Rana and his statement was recorded and he confessed. A perusal of the entire reply does not mention any other evidence except disclosure statement of main accused Gurpreet Singh and disclosure statement of Bhupinder Singh, both of which are confessionary in nature and statements made before the police officials in custody, as such cannot be proved given the bar under Section 26 of Indian Evidence Act 1872. Although the evidence in this case is of disclosure statement but the biggest issue which this Court need to deal with is the petitioner's profile and his massive criminal antecedents, which as per the reply are running into 44 cases and most of those cases are very serious. Counsel for the State submits that petitioner is a noted gangster and in case he is given bail, he is likely to commit the offence. However, this Court has to strike a balance between petitioner's liberty in a case pending trial in the

CRM-M-64999-2024

background of the evidence available and the assurance petitioner has made through counsel not to repeat the offence. Although the petitioner has massive criminal history but once the petitioner has assured this Court through his counsel that in case he is granted bail he shall not repeat the offence, this Court would believe him for atleast for this time, as such in the entirety of facts and circumstances, petitioner is entitled to bail.

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.

10. Per paragraph 9 of the bail petition, the petitioner has been in custody since 19.04.2023. However, in the present case petitioner's custody not started.

11. 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 further pre-trial incarceration at this stage.

12. 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.

13. 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.

14. 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)	

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

16. 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.

CRM-M-64999-2024

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. **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.**

19. The concerned Judicial Magistrate/ Trial Court is authorized to delete, modify, or relax any of the conditions mentioned above and is competent to do so following the law.

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

29.04.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.