

CRM-M-59794-2024

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

CRM-M-59794-2024
Reserved on: 07.04.2025
Pronounced on: 22.04.2025

Vikrant Panwar alias Vicky Thakur ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. G.P.S. Ghuman, Advocate and
Mr. K.D.S. Bajwa, Advocate
for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0206	15.07.2023	City Kharar, District SAS Nagar (Mohali)	25(7)(8)-54-59 of Arms Act and 120B IPC

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 11 of the bail petition and para 9 of the reply, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	52	2022	147, 148, 149, 302, 323, 504, 395, 412, 34 IPC	Saradhna, District Meerut, U.P.
2	12	31.01.2024	307, 384, 506, 34, 427, 120B IPC and 25/54 of Arms Act	Mullanpur Garibdass, District SAS Nagar
3	472	2023	323 IPC	Sardhana, Distt. Meerut (U.P.)
4	112	2017	147, 148, 352, 323, 504, 506 IPC	Sardhana, Distt. Meerut (U.P.)
5	55	2023	147, 148, 149, 323, 307, 34 IPC	Sardhana, Distt. Meerut (U.P.)

3. The facts and allegations are being taken from the order dated 20.09.2023 passed by the Additional Sessions Judge, SAS Nagar, which reads as follows:

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“..... as per the allegations levelled against the present petitioner and his other co-accused in the present FIR case, the present FIR has been registered on the basis of secret information to the effect that the gangsters namely Prince Chauhan and Sandeep Singh @ Kala Rana, who are living abroad in Canada/America, are used to get gunshots fired upon both persons, who refused to pay ransom in the area of Mohali, Chandigarh and Panchkula. It has been further alleged that the the co-accused Deepak Singh @ Rana of the petitioner used to get the aforesaid gangsters living abroad Vikran Panwar @ Vicky Thakur Vs. State of Punjab connected through his mobile phone by using ZANGI APP with their local henchmen. It has been further alleged that the aforesaid co-accused Deepak Singh @ Rana also used to operate and arrange for the bank accounts of the aforesaid gangsters living abroad, as these bank accounts were used by these gangsters for obtaining ransom money. It has been further alleged that the secret informer has further informed that the aforesaid co-accused Deepak Singh @ Rana used to roam in the area of Chandigarh, Mohali, while armed with weapons.

After registration of the aforesaid FIR, the petitioner and his other co-accused have been nominated in this case, from whom 26 pistols and 16 live cartridges were recovered in this case. Thus, the petitioner is alleged to have formed a gang with his aforesaid other co-accused, who used to smuggle, purchase and sell the aforesaid huge cache of deadly arms i.e. 26 pistols and 16 live cartridges.

Furthermore, the arguments raised by the Learned counsel for the petitioner pertain to the disputed question of facts, which can only be ascertained after completion of investigation and after leading of evidence during trial and thus, the same are not of any help to the petitioner at this preliminary stage of investigation.”

4. The petitioner's counsel submits that petitioner was arraigned as an accused on the basis of disclosure statement and he has been falsely implicated and also the petitioner has undergone more than 01 year & 08 months of custody. 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.

REASONING:

6. Recovery of ammunition of has already been effected. There is sufficient

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prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per the custody certificate dated 06.04.2025 the petitioner's total custody in this FIR is 01 year, 08 months & 10 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 further pre-trial incarceration at this stage.

7. 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.

8. 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.

9. 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)	

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

11. 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.

12. This bail is conditional, and the foundational condition is that if the petitioner indulges in any similar offence, repeats the offence and indulges himself in any offence where sentence is more than three years, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

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

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14. 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.

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

(ANOOP CHITKARA)
JUDGE

22.04.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.