

CRM-M-18263-2025

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

**CRM-M-18263-2025
Reserved on: 09.04.2025
Pronounced on: 22.04.2025**

Deepak Singh @ Rana

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Manpreet, Advocate for
Mr. Siddarth, Advocate for the petitioner.

Mr. Akshay Kumar, A.A.G, Punjab.

ANOOP CHITKARA, J.

| FIR No. | Dated | Police Station | Sections |
|----------------|--------------|------------------------|-----------------------------------------|
| 206 | 15.07.2023 | City Kharar, SAS Nagar | 25, 25(7) (8) of Arms Act and 120-B IPC |

1. The petitioner incarcerated in the FIR captioned above had come up before this Court fourth time under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. In paragraph 16 of the bail petition, the accused declares that he has criminal antecedents, however, detail of pending case is not mentioned. However, as per custody certificate dated 08.04.2025, the accused has following criminal antecedents:

| Sr. No. | FIR No. | Dated | Offenses | Police Station |
|----------------|----------------|--------------|------------------------------------------------------|-----------------------|
| 1. | 12 | 31.01.2024 | 307, 384, 506, 427, 34, 120-B IPC and 25 of Arms Act | Mullanpur |

3. The facts and allegations are being taken from the translated copy of FIR (Annexure P-1) which reads as follows:

“Chief Officer Thana City Kharar, PB65AH 3661, whose driver CT Simranjit Singh ASI Mann Checking Suspicious and bad men were present near bus stand Kharar, then the time will be 08.00 PM that Man ASI pass informer informed in parting that gangsters living abroad in Canada/USA Prince Chouhan son of Ranveer Singh resident of village Sotal Baba district Ropar and Sandeep Singh alias Kala Rana son of Dharam Singh resident of village Kanoli police station Chandimandir district Panchkula Haryana who are firing on people who do not pay extortion money in the area of Mohali,

Chandigarh and Panchkula. Their men's Deepak Singh alias Rana son of Ajit Singh alias Sandeep Rana resident of village Kurali police station Narayangarh district Ambala Haryana aged 22/23 years and wears glasses due to low eyesight Through ZANGI app, contacts and manages bank accounts for out-of-towners. The gangsters use the account to get extortion money. Deepak Singh @ Rana roams in Chandigarh Mohali area with weapons If Deepak Singh alias Rana is searched, then he can be caught with illegal weapons. By doing this, Deepak Singh alias Rana has committed the crime of Section 25-54-59 Arms Act.”

4. Counsel for the petitioner submits that he would have no objection in case any stringent conditions this Court might put upon the petitioner including surrender of fire arms, and in case, petitioner repeats the offence, the State shall be liberty to file an application for cancellation of bail. He 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 on instructions.

REASONING:

6. Recovery from the petitioner is of one pistol, two live cartridges and given the undertaking by counsel for the petitioner, in case, petitioner repeats the offence, the State shall be at liberty to file an application for cancellation of bail, as such, he is entitled to bail.

7. 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 07 of the bail petition, the petitioner has been in custody since 15.07.2023. Per the custody certificate dated 08.04.2025, the petitioner’s total custody in this FIR is 01 year, 08 months and 14 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.

8. 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.

9. 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.

10. 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) | |

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

12. 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.

13. Given the background of allegations against the petitioner, it becomes paramount to protect the victim, 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 firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a 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 of release from prison and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under 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.

14. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense and also to block the menace of drug abuse. 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."

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

22.04.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.