



CRM-M-63271-2024

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

**CRM-M-63271-2024  
Reserved on : 09.04.2025  
Pronounced on: 29.04.2025**

**AMAN KUMAR ALIAS AMAN JAITO ...PETITIONER**

**VERSUS**

**STATE OF PUNJAB ...RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Argued by: Mr.Gaurav Singla, Advocate for the petitioner.

Mr. Akshay Kumar, Asst. AG, Punjab.

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**ANOOP CHITKARA, J. (ORAL)**

| FIR No. | Dated      | Police Station                | Sections                   |
|---------|------------|-------------------------------|----------------------------|
| 125     | 27.10.2024 | Dhanaula, District<br>Barnala | 25/54/59 of Arms Act, 1959 |

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. As per paragraph 12 of the bail petition and custody certificate, the accused has the following criminal antecedents:

| Sr. No. | FIR No.            | Date       | Offenses   | Police Station    |
|---------|--------------------|------------|--|-------------------|
| 1.      | 59                 | 24.07.2018 | 392, 384, 382, 473, 506, 148, 149, 120-B IPC and Sections 18, 22, 29 of NDPS Act and Sections 25, 54, 59 of Arms Act | Sadar Rajpura     |
| 2.      | 138                | 08.11.2019 | 52A of Prison Act, 1894 and Sections 7 and 8 of PC Act, 1988   | Cantt Bathinda    |
| 3.      | 146                | 08.12.2017 | 399, 402, 473, 412, 411 IPC and Sections 25, 54, 59 of Arms Act  | Tapa              |
| 4.      | 61                 | 30.03.2018 | 392, 120-B, 34 IPC and Sections 25, 27, 54 and 59 of Arms Act  | Tapa              |
| 5.      | 24                 | 03.03.2021 | 25, 54, 59 of Arms Act and Section 120-B of IPC  | Jaito             |
| 6.      | 172                | 02.06.2022 | 42 and 52 A of Prison Act and Section 18 of NDPS Act   | City Ferozepur    |
| 7.      | 05                 | 11.01.2020 | 392 and 342 IPC and Sections 25, 54, 59 of Arms Act  | Kharar            |
| 8.      | 05<br>(Convicted)  | 14.01.2023 | 324/506/34 IPC   | Jaito             |
| 9.      | 106<br>(Convicted) | 01.11.2012 | 452, 324, 323, 506, 427/34 IPC   | Jaito             |
| 10      | 32(Convicted)      | 30.03.2014 | 307/326/325/324/323/148/149<br>IPC   | Jaito             |
| 11.     | 581<br>(Convicted) | 13.11.2017 | 392 IPC and Sections 25, 54, 59<br>of Arms Act   | Thanesar<br>Sadar |



3. The facts and allegations are being taken from the translated version of the FIR, which reads as under:

*"Copy of Ruqa. Officer Incharge, Police Station Dhanaula. Fateh. Today myself ASI along with Head Constable Jaspal Singh 127/Barnala, Constable Gurdeep Singh 455/Barnala, Constable Kamaldeep Sharma 62/Barnala boarded on the official vehicle bearing registration No. PB-65-BH-4069, the driver of which is PHG Amarjeet Singh 27066 along with investigation kit after having been accompanied with laptop printer in connection with patrolling as well as checking of suspicious persons was present at T-Point Road, Bhikhi Road, Dhanaula, then it would be at about 09:30 PM as when the special secret informer after coming present before myself ASI gave information in separation that Aman Kumar alias Amna son of Amarjeet Singh, resident of Jaitu and Yadwinder Singh alias Yaadu son of Amritpal Singh, resident of Jaitu, who are having illegal arms and today both these persons after boarding on their Verna Car bearing No. DLICAG0392 of white colour from the side of Sangrur have been going to Moga, if just now the barricade may be laid on the Main Highway, then the above mentioned Aman Kumar alias Amna and Yadwinder Singh alias Yaadu can be apprehended along with illegal arms, The information is truthful and reliable. To keep illegal arms in this possession by the above mentioned Aman Kumar alias Amna and Yadwinder Singh alias Yaadu fulfills the definition of offence under Section 25/54/59 Arms Act. Therefore, after typing the present Ruqa on the laptop regarding registration of case for the above mentioned offence against Aman Kumar alias Amna son of Amarjeet Singh, resident of Jaitu and Yadwinder Singh alias Yaadu son of Amritpal Singh, resident of Jaitu, after taking print out, the same is hereby sent to the police station through Constable Gurdeep Singh 455/Barnala. After registering the case, FIR number may be informed. Information may be given to the control room. Myself ASI along with the companion officials departs towards the spot regarding search and recovery of accused Aman Kumar alias Amna son of Amarjeet Singh, resident of Jaitu and Yadwinder Singh alias Yaadu son of Amritpal Singh, resident of Jaitu and Verna Car bearing registration No. DLICAG0392 of white colour for Main Highway, Sangrur Barnala Road, Dhanaula. Today at T Point, Bhikhi Road, Dhanaula AT 10:00 PM. Sd/ Labh Singh ASI, Police Station Dhanaula dated 27.10.2024."*

4. Petitioner's counsel submits that in case the petitioner is granted bail, he has no objection to imposing of any stringent conditions and he further undertakes that during the period of bail, he shall not commit any offence and in case he repeats/commits any offence, in



which the sentence provided is more than seven years, the State shall be at liberty file an application for cancellation of bail in this case and also in all pending FIRs involving non-bailable offences where the sentence provided is more than three years. He further contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail based on instructions.

REASONING:

6. No recovery is remained in this case, petitioner is in custody for the last more than five months and further given the undertaking by the counsel for the petitioner that in case, petitioner repeats the offence, the State may 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 5 of the bail petition, the petitioner has been in custody since 27.10.2024. Per the custody certificate dated 08.04.2025, the petitioner's total custody in this FIR is 05 months and 08 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.

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. This order shall come into force from the time it is uploaded on this Court's official webpage.

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. 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.**

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

15. 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.

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

29.04.2025  
*renubala*

(ANOOP CHITKARA)  
JUDGE

|                            |        |
|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |