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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.49189 of 2018 (O&M)
Date of Decision: 16.01.2019

RAMANDEEP SINGH @ SUNNY

.....Petitioner

Vs

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. J.S. Sandhu, Advocate
for the petitioner.

Mr. Arun Kaundal, D.A.G., Punjab.

RAJ MOHAN SINGH, J.

CRM No.44352 of 2018

For the reasons mentioned in the application, the same is allowed. Accompanying document i.e. Annexure P-3 is taken on record.

Main case

[1]. Petitioner in his second attempt seeks grant of regular bail in case bearing FIR No.110 dated 29.05.2017 registered under Sections 25 & 54 of the Arms Act and Sections 18, 19 & 20 of Unlawful Activities (Prevention) Act 1967 at Police Station Phase I, SAS Nagar (Mohali).

[2]. Earlier petition CRM-M No.9248 of 2018 filed by the petitioner was dismissed by this Court along with CRM-M No.47690 of 2017 titled '*Sukhpreet Singh vs. State of Punjab*' vide order dated 03.04.2018. The said order was passed even after decision of CRM-M No.48137 of 2017 by the Co-ordinate Bench of this Court on 22.12.2017 in case title '*Tarsem Singh @ Simmi vs. State of Punjab*'.

[3]. Name of the petitioner was disclosed by the co-accused Amritpal Kaur @ Amrita and in pursuance thereof, 3 cartridges were recovered from him.

[4]. Learned counsel for the petitioner relied upon decision rendered in the cases of co-accused Tarsem Singh @ Simmi and Mokham Singh @ Suraj.

[5]. Secondly, learned counsel contended that the prosecution has made wrong statement at the time of decision of first bail application on 03.04.2018 in the context of incriminating material against the petitioner as no 9 MM pistol was recovered from the petitioner. Name of Amritpal Kaur @ Amrita was disclosed in the disclosure statement of Gaurav Kumar from whom illegal weapons were used to be purchased by the members of the banned association.

[6]. On the other hand, learned State counsel on instructions from the Investigating Officer submitted that the

petitioner was in contact with Amritpal Kaur @ Amrita (main accused) as per his conversation with her on 27.02.2017. One more FIR bearing No.406 dated 08.11.2014 registered under Section 25 of the Arms Act and under Sections 3/4/5 of the Explosive Substance Act, 1908 was registered against the petitioner in Police Station Kotwali, District Bathinda. Petitioner is on regular bail in the aforesaid case.

[7]. Learned State counsel further submitted that out of total 27 prosecution witnesses only one prosecution witness namely Atul Soni has been examined and today is the date fixed before the trial Court. Co-accused Mokham Singh @ Suraj was granted bail because he was found to be a juvenile. The bail granted by the Co-ordinate Bench of this Court to the co-accused Tarsem Singh @ Simmi cannot be relied upon by the petitioner as nothing incriminatory was recovered from him and the bail was granted in view of facts and circumstances of that case which cannot be applied to the present case on uniform basis.

[8]. I have considered the submissions made by learned counsel for the parties.

[9]. Even if the alleged allegations in respect of use of Facebook and Whats App account of the accused/petitioner are ignored for the time being, still the petitioner is not entitled to bail in view of his antecedent behaviour in case of FIR No.406

dated 08.11.2014, under Section 25 of the Arms Act and under Sections 3/4/5 of the Explosive Substance Act, 1908.

[10]. In view of Section 43(D)(5) of The Unlawful Activities (Prevention) Act, 1967, no person accused of an offence punishable under Chapters IV and VI of the aforesaid Act shall, if in custody, be released on bail or on his own bond unless the Public Prosecutor has been given an opportunity of being heard on the application for such release. Provided that such accused person shall not be released on bail or on his own bond if the Court, on a perusal of the case diary or the report made under section 173 of the Cr.P.C. is of the opinion that there are reasonable grounds for believing that the accusation against such person is prima facie true. The restrictions on granting of bail specified above is in addition to the restrictions under the Code or any other law for the time being in force on granting of bail.

[11]. In view of stringent provision in the Act itself and in view of antecedent behaviour of the petitioner, he is not entitled to concession of regular bail. The complicity of the petitioner in view of allegations on record would be determined by the trial Court on the basis of material on record and the same cannot be ignored, particularly in respect of his involvement with other accused.

[12]. In view of above this Court does not find any plausible reason to accept the prayer for grant of regular bail. At this stage, without commenting upon anything on the merits of the case, the prayer for grant of regular bail is dismissed. This petition is accordingly dismissed.

[13]. Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case. The trial Court shall decide the case in accordance with law.

January 16, 2019

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No