

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

212

CRM-M-12338-2020 (O&M)

Date of decision: 27.05.2020

Kapil Dev

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Rajesh Bhatheja, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab for the respondent.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

CRM-10561-2020

Prayer in this application is for exemption from payment of process fee due to restrictions imposed due to Covid-19 with liberty to pay the same on resumption of normalcy.

For the reasons mentioned in the application, the same is allowed and the petitioner is exempted from filing of process fee at this stage with liberty to pay the same as and when the normal functioning is resumed.

CRM-11458-2020

Prayer in this application is for placing on record copies of orders passed in other FIRs as Annexures P-5 to P-8 with exemption from filing the typed as well as certified copies of the same.

The application is allowed and exemption is granted from filing typed and certified copies of orders passed in other FIRs copies

of which are taken on record as Annexures P-5 to P-8

CRM-M-12338-2020

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.150 dated 10.12.2019 under Sections 420, 467, 468 and 471 of the Indian Penal Code, 1860 (for short, "the IPC") and Section 25 of the Arms Act, 1959 registered at Police Station Phase 8, District S.A.S. Nagar Mohali.

The above said FIR was registered initially under Section 25 of the Arms Act, 1959 on the basis of written information sent by SI Shivdeep Singh Brar alleging that on 10.12.2019 accused Sukhpreet Singh Dhaliwal @ Buddha arrested in connection with FIR No.59 dated 01.06.2018 under Sections 387, 506, 201 and 120-B of the IPC, Police Station Phase-8, Mohali got one .22 bore carbine and bullet proof jacket recovered from the indicated place near Gurdwara Amb Sahib, Phase-8, Mohali in accordance with his disclosure statement. During investigation, accused Sukhpreet Singh Dhaliwal @ Buddha made disclosure statement that he had purchased the above said carbine along with bullet proof jacket from the petitioner through Chhotu Bhat. The petitioner was arrested who made incriminatory disclosure statement. Sections 420, 467, 468 and 471 of the IPC were added and on completion the petitioner was charge-sheeted along with his co-accused.

The petitioner, who is in custody since his arrest on 29.01.2020, has filed the present petition for grant of regular bail.

Learned State counsel has appeared and opposed the bail

application in terms of affidavit of Sh. Ramandeep Singh, PPS, Deputy Superintendent of Police, City-II, District SAS Nagar, filed through e-mail which is taken on record.

I have heard learned counsel for the petitioner and learned State counsel and gone through the record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated on the basis of disclosure statement of co-accused Sukhpreet Singh Dhaliwal @ Buddha and there is no evidence against the petitioner regarding his involvement in the crime committed by his co-accused and sale of the carbine and bullet proof jacket. The disclosure statement allegedly made by him during police custody is not admissible in evidence. Due to restrictions imposed to prevent the spread of Covid-19, the trial is likely to take long time. No useful purpose will be served by his detention in custody during trial. The petitioner has been falsely involved in other cases. The petitioner has been convicted in one case but his sentence has been suspended. The petitioner is on bail in all other cases. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has submitted that the petitioner is a habitual offender. The petitioner is involved in many other cases of similar nature. If the petitioner is enlarged on bail he will again commit similar offences. The petitioner does not deserve the grant of bail. Therefore, the petition may be dismissed.

Admittedly, the petitioner is involved in eight other cases. The petitioner has been convicted in one case but his sentence has been suspended by the appellate Court. The petitioner is on bail in all other

cases.

Keeping in view the facts and circumstances of the case including the nature of accusation and evidence against the petitioner and also the fact that the trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 but without meaning to comment on merits, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal bond with bond of one surety to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, the petitioner is granted regular bail subject to the condition that he shall not commit any similar offence and in case of commission of similar offence by him in future his bail in the present case shall also be liable to be cancelled on application to be filed by the prosecution in this regard.

27.05.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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