

211
(2 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(Through Video Conferencing)

1. CRM-M No. 25289 of 2020
Date of Decision: 28.09.2020

Lovepreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

2. CRM-M No. 25496 of 2020

Karamjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Maninderjit Singh, Advocate, for the petitioner(s).

Mr. Hittan Nehra, Addl. Advocate General, Punjab.

NIRMALJIT KAUR, J. (ORAL)

Both the present petition shall stand decided by this common order as the same are arising out of same FIR.

The prayer in both the petitions are for grant of regular bail to the petitioner(s) in case FIR No.2 dated 30.03.2019 under Sections 17, 18 and 20 of Unlawful Activities (Prevention) Act, 1967 (Amendment 2012) and Section 25 of Arms Act, registered at Police Station SSOC, SAS Nagar, Mohali.

Learned counsel for the petitioner while praying for bail submitted that as per the challan, one Harwinder Singh appears to be in conscious possession as he was told by one unknown Ranjit Singh Pakhoke on phone about the spot, where the arms were lying. The petitioner(s) in the present case happen to be just in his company when arrested. It is

further stated that they have been enroped under Sections 17, 18 and 20 of Unlawful Activities (Prevention) Act, 1967. Section 17 pertains to rasing funds for the unlawful activities, whereas there is no such evidence has been collected against them. Section 18 pertains to conspiracy which too is only doubtful and no concrete evidence has come forward. Similarly, Section 20 pertains to being a member of the terrorist organization. They were simply in the presence of one Harwinder Singh from whom the recovery was effected and therefore, it cannot be said that they are members of any illegal organization. Further the allegations can be proved only in trial and they are in custody since 30.03.2019.

Learned State counsel while vehemently opposing the bail submitted that they were arrested on the spot and the recovery was effected from them and therefore, the case is different from the co-accused, namely, Gurpeet Singh @ Preet and Daler Singh @ Bunty, who were released on bail.

Heard.

The petitioners are arrested only on suspicion of conspiracy and preparation. They are in custody since 30.03.2019. The entire allegations against them is a matter of trial. Accordingly, the present petition(s) are allowed and the petitioners are ordered to be released on bail on their furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.

28.09.2020

sandeep

**(NIRMALJIT KAUR)
JUDGE**

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No