

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

CRM-M-36529 of 2020

Date of Decision: 11.11.2020

Kapil Dev

.....*Petitioner*

Versus

State of Punjab

.....*Respondent*

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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

Mr. Hittan Nehra, Addl.AG, Punjab.

HARINDER SINGH SIDHU, J

Prayer is for grant of regular bail in case FIR No.04 dated 12.03.2020 under Sections 307,382,384,392,411,482,467,468,471 IPC and Sub Clause 6,7 & 8 of Section 25 of the Arms Act and Sections 15,17,18 & 18-B of Unlawful Activities (Prevention) Act registered at P.S State Special Operations Cell, SAS Nagar, District SAS Nagar Mohali.

FIR was registered on the basis of secret information received to the effect that one Gagandeep Singh @ Judge being a gangster is involved in number of cases of murder, attempt to murder, robbery, looting, snatching and kidnapping. He being armed with arms and ammunition was wandering in a vehicle of White Color to commit offence. If a raid was conducted, he could be apprehended. On the basis of said information, police party reached the spot and apprehended the petitioner. Allegations against the petitioner are that during investigation, alleged Gagandeep Singh @ Judge disclosed that the petitioner used to supply him arms and ammunition.

Learned counsel for the petitioner refers to disclosure

statements 19.03.2020 and 24.03.2020 (P.2 & P.3) respectively wherein the name of the petitioner has not been disclosed. There is no averment in disclosure statement of Gagandeep Singh @ Judge, which could connect the petitioner with the alleged commission of offence. The petitioner was also earlier roped in case FIR No.150 dated 10.12.2019 under Sections 420,467,468,471 IPC and Section 25 of the Arms Act registered at Phase 8, Mohali and thereafter was directed to be released on bail by this Court vide order dated 27.05.2020 passed in CRM-M-12338 of 2020. Before the petitioner could be released on bail in that case, present case has falsely been foisted upon the petitioner. It is contended that no arms or ammunition has been recovered from the petitioner and that he is in custody since 29.05.2020.

Opposing the petition, the learned State counsel has submitted that the challan has already been filed.

Without commenting anything on the merits of the case and also bearing in mind the custody period of the petitioner, in my opinion, no useful purpose will be served by detaining the petitioner behind bars any further. The petition, as such, is accepted. The petitioner Kapil Dev is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

This present petition stands accepted accordingly.

November 11, 2020
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No