

202) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40730-2021
Date of decision-16.12.2021

Jatinder Pal Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr.Eklavya Gupta, Advocate for
Mr. Ish Mahajan, Advocate for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab, for the respondent-State.

SANT PARKASH, J.(ORAL)

Petitioner prays for grant of regular bail in FIR No.07 dated 18.02.2021, registered under Section 25 of the Arms Act, 1959 and Sections 120-B, 420, 467, 468, 471, 473 of Indian Penal Code, 1860 added later on, at Police Station State Special Operations Cell, District Amritsar.

The brief facts of the case of prosecution is that the petitioner has been arrested in the present case on 18.02.2021 on the allegation that the police party received a secret information that one Mandeep Singh and Jatinderpal Singh(present petitioner) are going to commit some crime and for that purpose, they have accumulated huge arms and ammunition and they are in *TATA INDICA Car bearing Registration No.PB-02-AC-6315* and standing under fly-over of Amritsar Batala Bypass and waiting for their other friends. On the basis of the secret information, a Ruqua was sent to the Police Station to register an FIR under Section 25 of the Arms Act and Section 120 of the IPC. Thereafter, the police party reached under the fly-over and found one 'TATA INDICA Car PB-02-AC-6315' of golden silver colour in which two young men were sitting and on seeing the police party, they tried to fled away, but they were stopped by the police party

and on asking their names and address they had disclosed their name as 'Mandeep Singh' son of Bhupinder Singh, resident of Bohlian P.S. Ajnala, District Amritsar and 'Jatinderpal Singh' son of Hardip Singh, resident of Jassar, P.S. Ajnala District Amritsar. On search of the present petitioner-Mandeep Singh, one pistol of 32 bore with 07 cartridges were recovered. From the search of Jatinderpal Singh, one country made pistol of 315 bore with 19 cartridges were recovered. Mobile Phones were also recovered. From the diggy of the Indica Car, two number plates of PB-02-AC-6315 were also recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. Moreover, in the entire challan, there is not even disclosure statement of the petitioner on the basis of which, the prosecution can say that the petitioner has committed any offence and even if the prosecution story is believed to be true, the only allegation is possession the Arms, as such, only Arms Act is made out against the petitioner and no offence under Indian Penal Code is made out. The petitioner is behind the bars since 18.02.2021 and the final report has already been presented before the Court. The petitioner is not involved in any other case and conclusion of the trial will take some time to conclude. Therefore, further detention of the petitioner may not be justified.

Learned counsel for the State opposes the prayer of the learned counsel for the petitioner and has refuted the above-said contentions on the ground that the petitioner alongwith his co-accused were found with heavy quantity of Arms and ammunition. However, it is not disputed that the investigation of the case is complete and challan has been presented before the Court.

I have heard the learned counsel for the parties and perused the case file.

It is admitted fact that the petitioner is in custody since 18.02.2021 and investigation in the case is complete and challan stands submitted in the Court. The petitioner is not involved in any other case and conclusion of the trial will take some time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind bars.

Taking into consideration the totality of the circumstances and without commenting on the merits of the case, it is considered as appropriate to release the petitioner, namely, *Jatinder Pal Singh*, on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial court/Duty Magistrate/Chief Judicial Magistrate.

The petition is allowed.

(SANT PARKASH)
JUDGE

16.12.2021

Anjal

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