

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

CRM-M-43515-2020 (O&M)

Date of Decision:- 1.10.2021

Kapil Dev

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajesh Bhatehja, Advocate for the petitioner.

Mr. A.P.S.Gill, DAG, Punjab,
assisted by SI Jitender Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No.35 dated 9.2.2020 under Sections 420, 465, 467, 468, 471/120B IPC and under Section 25 of the Arms Act, 1959 at Police Station City Fazilka, District Fazilka.
2. The FIR was lodged at the instance of ASI Ramesh Kumar wherein it is alleged that on 9.2.2020 when he alongwith other police officials was patrolling and was present in the area of D.C. Chowk, Fazilka then a secret information was received to the effect that Harish Kumar, owner of Rahul Gun House, Fazilka and of Durga Gun House, Abohar and Sanjeev Kumar alongwith their accomplices indulge in illegal sale and purchase of firearms to gangsters and to proclaimed offenders. It is alleged that they used to

forge the records and bills for the purpose of carrying out such nefarious activities and had been procuring the weapons from Uttar Pradesh.

3. The learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been nominated as an accused subsequently on the basis of a disclosure statement made by the petitioner Kapil Dev himself while he was in custody in connection with another case. It has further been submitted that the petitioner is being involved in cases one after the other mostly on the basis of disclosure statements etc. simply for the purpose of keeping him behind bars and that he has otherwise been released on bail in majority of the cases.
4. Opposing the petition, the learned State counsel has submitted that in the instant case while it is only two persons namely Harish Kumar and Sanjeev Kumar who are named in the FIR but during the course of interrogation of Harish Kumar, he had disclosed that Kapil, Sandeep Kumar, Surinder Kumar and Navratan Arora were also associated with them. The learned State counsel has submitted that the petitioner belongs to a group of seasoned criminals/gangsters who apart from committing other crimes are also into sale and purchase of guns in an illegal manner. It has further been submitted that several guns were recovered from co-accused Harish Kumar, Sandeep Kumar, Surinder Kumar and Amar Lal Setia for which they could not furnish any record. The learned State counsel has further informed that the petitioner stands involved in 11 other cases out of which he already stands convicted in one and stands acquitted in some other while some are either under investigation or trial is going on.
5. I have considered rival submissions addressed before this Court.

6. Having regard to the nature of allegations and also the past conduct of the petitioner, this Court is of the opinion that it is a case where custodial interrogation would be required so as to unearth the *modus operandi* of the accused for the purpose of commission of offences as a large number of arms are stated to have been recovered, which would *prima facie* substantiate the allegations levelled in the FIR.
7. There is no special case for grant of anticipatory bail. The petition is sans merit and is hereby dismissed.

1.10.2021

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No