

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

209

Date of decision: 20.07.2022

1. CRM-M-11160-2021

KANWALJEET SINGH @ KAWALJIT SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

2. CRM-M-15562-2022

KARWINDER SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Vikas Gupta, Advocate
for the petitioner in case CRM-M-11160-2021.

Mr. Anurag Chopra, Advocate
for the petitioner in CRM-M-15562-2022.

Mr. M.S.Nagra, AAG, Punjab
for the respondent-State.

SURESHWAR THAKUR, J. (ORAL)

1. Since both the petitions arise from a common FIR, therefore, both the petitions are amenable for a common verdict being made thereons.

2. The instant petitions have been filed under Section 438 Cr.P.C., wherein, the petitioner(s) seeks the indulgence of this court for grant of anticipatory bail.

3. FIR No. 14 dated 07.02.2021 is registered at Police Station Sadar, Patti, District Tarn Taran, therein, offences constituted under Sections 465, 468, 471, 120-B of the IPC, are embodied.

4. In FIR appended to the present petition (Annexure P-1), a communication is carried qua the investigating officer concerned, receiving a secret information, inasmuch as, the secret informer conveying an intimation to the investigating officer concerned, qua his over hearing a conversation at a tea shop, hence amongst Gurjeet Singh, Darshan Singh, and, Gurpreet Singh, both residents of Kirtowal Morh Patti, and, it revealing that one Kanwaljeet Singh, and, Karwinder Cheema, had enabled them to prepare fake Arms licences, and, that they should make an intimation in the above regard, to the Office of the Senior Superintendent of Police, Tarn Taran.

5. A Ruka in respect thereof, was prepared, and, was sent to the Police Station concerned, through constable Kulwinder Singh, for an FIR being registered against the concerned, and, also for verifying the correctness of the secret information, as became purveyed by the secret informer, to the investigating officer concerned. Subsequently, the investigating officer proceeded to make investigations thereinto.

6. During the course of the investigating officer concerned, making investigations about the veracity of the above, the learned State Counsel, on instructions given to him by ASI Gurdev Singh submits, that the concerned, did ensure the making(s) recoveries of three fake Arms Licences, to the investigating officer concerned. He also further submits, that the arms which were procured, in respect of the fake Arms

Licences, also became recovered at the instance of the concerned and, thereafter there's becoming deposited in the Armoury.

7. The learned Counsel appearing, for the co-bail petitioner Kanwaljeet Singh, submits that given the above made recoveries, being already effected by the concerned, to the investigating officer concerned, thereupon there is no necessity for the present bail petitioner being yet put to custodial interrogation. However, for the reason to be assigned hereinafter, the above made contention is rejected. The reason becomes embedded in the factum of a submission, being made before this Court by the learned State Counsel, that the investigating officer concerned, has laid his hands on a C.D., containing therein revelations, rather in the voice of the present bail petitioner, qua his making directions to all concerned, to not visit the office of the Licence Branch concerned, as there, certain investigations are underway in respect of fake Arms licences.

8. The above conversation as encapsulated in a C.D., and, stated at this stage, by the learned State Counsel, to be in the voice of the bail petitioner-Kanwaljeet, does prima facie suggest, at this stage, that he would have not issued, the above forbiddings to the concerned, unless the scale of preparation of fake Arms Licences, at the instance of all the concerned, and for monies, rather was at a large scale. Therefore, the above forbiddings are to be prima facie, at this stage, rather concluded to assume the underlinings qua the above, rather in connivance with one Karwinder Singh, indulging in the above penally inculpable malpractice, especially when the recoveries of three fake

Arms Licences, and, also the arms in respect whereof, they became issued, hence become effectuated. However, through the above recoveries appear to be prima facie minimal, yet cannot restrain this Court from declining the craved for indulgence. The reason becomes rested, in the factum, that the learned State Counsel, being very insistent in making a submission before this Court, that the area where the inculpable malpractices are underway, hence by an organized crime syndicate, is a sensitive zone of the country, inasmuch as, it is located in the border adjoining Pakistan, and, there is every possibility that the illegal trade, was, to facilitate cross border infiltrations, and or, to breed militancy. If so, the scale of indulgences thereinto, can become uncovered, only through the present bail petitioners, being put to custodial interrogation. Moreover, the above revelations during their custodial interrogation, will facilitate the Security Agencies concerned, to obviate cross border infiltrations, and or, to curb militancy, if any.

9. Learned Counsel appearing for the co-bail petitioner one Karwinder Singh in petition FIR bearing CRM-M-15562-2022, has very vehemently argued, that the present bail petitioner through Annexure P-3, has been exonerated by the Senior Superintendent of Police, Tarn Taran.

10. Furthermore, he also rests his submission, for co-bail petitioner Karminder Singh, becoming admitted to pre-arrest bail, on a verdict made by this Court on 02.02.2022 in CRM-M-6860-2021.

11. However, in so far as Annexure P-3 is concerned, any exoneration therethroughs qua the incriminatory role of the co-bail

petitioner Karminder Singh is concerned, rather cannot be depended at all by this Court, as thereafter yet the investigations in respect of the petition FIR, are underway, and, obviously, also, when after conclusion of the investigations into the petition FIR, the investigating officer concerned, has not filed any cancellation report, in respect whereof, before the empowered Judicial Magistrate, thereupon, any exoneration qua the guilt of Karminder Singh through Annexure P-3, as made during the course of the investigations being underway, does not assume any potency, for any purposes, at all.

12. Even though the learned counsel appearing for co-bail petitioner Karminder Singh submits, that he had preferred CRM-M-6860-2021, whereons, a decision was made on 02.02.2022, but yet since in the above petition, the prayers made therein, did not come to be allowed, rather liberty was reserved to the co-bail petitioner, to move an application for anticipatory bail, rather in the event of his likely, to be arrested during the course of investigations into the petition FIR. Thereupon, unless, in the petition (supra) this court had ordered, for quashing of the petition FIR, which however was not done, nor, when this court proceeded, to, accept the submission of the counsel for co-bail petitioner Karminder Singh, that the inculcation drawn against him, at this stage, is vitiated, and or, is false. Therefore, even on verdict (supra), no valid exculpatory dependence can become rested.

13. In addition, since in the petition FIR, the bail petitioner one Karwinder Singh is alleged to through his indulging, on receiving monies, from the concerned, in the preparations of fake arms licences,

and, thereafter his ensuring the procurement(s) of illegal fire arms, and, in sequel whereof, his maintaining huge assets, completely disproportionate to his known sources of income, and, when the learned State Counsel on instructions given to him by ASI Gurdev Singh submits, that in respect thereof, there is the least co-operation meted by him to the investigating officer concerned, thereupon, the above factum can also become uncovered only through his being put to custodial interrogation.

14. In view of the above, this Court does not find any merit in the petitions, and, rather, becomes constrained to dismiss them.

15. Dismissed accordingly.

16. The afore observations are meant only for the disposal of the present petition(s), and, shall not affect the merits of the trial arising from the FIR (supra).

20.07.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

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