

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

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CRM-M-31233-2022

Date of Decision : **September 07, 2022**

SHUBHAM BHANDARI

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. B.S.Jaswal, Advocate
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.18 dated 13.4.2022 under Sections 25(8)/54 of Arms Act, 1959, registered at Police Station Kahnuwan, District Gurdaspur.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 13.4.2022 and thereafter the investigation of the case has been completed and now the charges have been framed on 20.8.2022. He submitted that the petitioner was falsely implicated in the present case at the instance of his rival friends and since the investigation of the case has already been completed, he may be considered for the grant of regular bail.

On the other hand, the learned State counsel has vehemently opposed the grant of regular bail to the petitioner on the ground that it is a case where direct role is attributable to the petitioner wherein the police

party confiscated one pistol of 32 bore, silver colour with black handle alongwith magazine and when the magazine was unloaded, 5 live rounds of 32 bore were found and from the right pocket of his pant, a plastic envelop was recovered in which 5 live cartridges 32 bore were found and in this way total 10 live cartridges 32 bore pistol which was an illegal pistol were recovered at the spot. He submitted that thereafter during interrogation on the disclosure statement of the petitioner two more illegal pistols of 32 bore were recovered under Section 27 of the Evidence Act. He further submitted that apart from the same, the petitioner is involved in as many as 3 more cases and has filed custody certificate today in the Court and as per the custody certificate, the petitioner is involved in one case under the NDPS Act at Police Station Kotwali, Kapurthala in which he is on bail and in the remaining two cases under the IPC production warrants have been obtained. The learned State counsel submitted that infact the petitioner was released on bail on 27.2.2022 in the case under the NPDS Act and immediately thereafter on 13.4.2022 the present offence was committed. He submitted that in view of the huge recovery from the petitioner with regard to illegal arms and ammunition, the petitioner is not entitled for the grant of regular bail because the State has reasonable apprehension that in case the petitioner is released on bail then he may not only repeat the offence but may also abscond from justice.

I have heard the learned counsels for the parties.

The petitioner is in custody from 13.4.2022. the allegations against the petitioner are specific. As per the allegations, he was caught

on the spot with illegal pistols alongwith live cartridges and thereafter on his disclosure statement, two more illegal pistols were also recovered. The petitioner is also involved in three more cases. The apprehension expressed by the learned State counsel that in case the petitioner is released on bail then he may not only repeat the offence but may abscond from justice cannot ignored and does carry weight.

In view of the aforesaid facts and circumstances, this Court does not deem it fit and proper to grant bail to the petitioner.

Consequently, the present petition being devoid of any merit is, hereby, dismissed.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

September 07, 2022

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(JASGURPREET SINGH PURI)
JUDGE

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