

(215) IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-46850-2022  
Date of Decision: 10.11.2022

SATPAL SINGH @ GAGGU

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CRM-M-51083-2022

BALWAN SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

**CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. A.S. Sekhon, Advocate  
for the petitioner.  
In CRM-M-46850-2022.

Ms. Harpreet Kaur, Advocate  
for the petitioner.  
In CRM-M-51083-2022.

Mr. Jaiteshwar Singh, Asst. A.G., Punjab.

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**JASJIT SINGH BEDI, J.**

By virtue of this common order, this Court proposes to dispose of two petitions bearing No.CRM-M-46850-2022 titled as Satpal Singh @ Gaggu Versus State of Punjab and CRM-M-51083-2022 titled as Balwan Singh Versus State of Punjab as the same are arising out of the same FIR.

2. The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.121 dated 03.08.2022

registered under Sections 25, 54, 59 of Arms Act, 1959 (Amendment) Act, 2019 (Sections 21(B), 61, 85 of Narcotic Drugs and Psychotropic Substances Act, 1985 vide rapat/DDR added later on) at Police Station Sadar, Faridkot, District Faridkot.

3. The brief facts of the case are that while the police party was on patrolling duty, they were informed by a secret informer that Gagandeep Singh alias Gagan son of Amarjit Singh in connivance with his accomplices Lakhwinder Singh alias Lakha son of Makhan Singh and Satpal Singh alias Gaggu (petitioner in CRM-M-46850-2022) were in the business of trafficking in illegal arms in the area of Faridkot and Mohali and Gagandeep Singh alias Gagan along with Satpal Singh alias Gaggu were roaming about in a car Make Honda City bearing registration No.PB02AQ-2626 white colour along with deadly weapons. If they were caught, a huge quantity of illegal arms and ammunition could be recovered.

Based on the said information, the present FIR came to be registered.

4. Pursuant to the registration of the FIR, the aforementioned car was intercepted at a *Nakabandi* and on being signalled to stop, the driver attempted to flee away but the car entered into a paddy field where both the occupants of the car were over-powered. The driver disclosed his identity as Satpal Singh alias Gaggu (petitioner in CRM-M-46850-2022) and the person sitting next to the petitioner disclosed his name as Gagandeep Singh alias Gagan.

The personal search of the accused Gagandeep Singh alias Gagan led to the recovery of a 09MM pistol containing 02 live cartridges.

During interrogation, the accused disclosed about the active involvement of one Lakhwinder Singh alias Lakha who used to purchase illegal weapons from Uttar Pradesh for further supply to youth in Punjab. Pursuant thereto, Lakhwinder Singh alias Lakha was arrested after which one Mohammad Tariq and Balwan Singh (petitioner in CRM-M-51083-2022) also came to be arrested.

From Lakhwinder Singh alias Lakha the recovery of a 09MM pistol make of Toras containing 04 live cartridges and 03 empty cartridges was effected. From his vehicle make Swift, one .32 bore country-made pistol containing 07 live cartridges and 20 empty cartridges were recovered.

From the personal search of Mohammad Tariq one baby pistol black colour make of Z-Ceska ZBROJOVAKA NARODNI PODNIK 6.35 (.25 bore) STRAKONIC was recovered.

Similarly, from the personal search of Balwan Singh (petitioner in CRM-M-51083-2022) a baby pistol black colour make of Z-Ceska ZBROJOVAKA PODNIK 6.35 (.25 bore) STRAKONIC was recovered. Subsequently, 50 grams of heroin and Rs.1,65,000/- cash was also recovered at the instance of Lakhwinder Singh alias Lakha.

5. The learned counsel for the petitioner-Satpal Singh alias Gaggi contends that the petitioner has been in custody since 06.08.2022. He is stated to be the driver of the car. No recovery whatsoever has been effected from him and none of the 21 prosecution witnesses have been examined so far. Since the petitioner is a first-time offender, he deserves the concession of bail.

6. The learned counsel for the petitioner Balwan Singh contends that only one baby pistol black colour make of Z-Ceska ZBROJOVAKA PODNIK 6.35 (.25 bore) STRAKONIC has been recovered from the petitioner. No drugs have been recovered from his possession. He has been in custody since 07.08.2022 and since there is no other case pending against the petitioner and he has clean antecedents, he deserves the concession of bail.

7. A short reply dated 10.11.2022 has been filed on behalf of the respondent-State by the learned State counsel by way of an affidavit of Mr. Jasmeet Singh, PPS, Deputy Superintendent of Police, Sub-Division Faridkot and the same is taken on record. He contends that since the petitioners are part of a large gang dealing with weapons and narcotics they did not deserve the concession of regular bail. He however does not dispute the factual assertion regarding the recovery made from the petitioners as also the period of custody and the stage of trial.

8. I have heard the learned counsel for the parties at length.

9. Admittedly, the petitioners are in custody since August, 2022. They are first-time offenders and do not have any other case registered against them. No drugs/narcotic substances have been recovered from either of the petitioners. As many as 21 prosecution witnesses have been cited in the list of witnesses none of whom have been examined so far. As no prosecution witnesses have been till date, the trial of the present case is not likely to be concluded in the near future. Therefore, the further incarceration of the petitioner is not required.

10. Thus without commenting on the merits of the case, the present petitions are allowed and the petitioners are ordered to be released on bail

subject to their furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

11. The petitioners shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and furnish an affidavit each time that they are not involved in any other crime other than the cases mentioned in this order.

12. In addition, the petitioners (or anyone on their behalf) shall prepare an FDR in the sum of Rs.2,00,000/- each and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioners from Trial without sufficient cause.

**(JASJIT SINGH BEDI)**  
**JUDGE**

**10.11.2022**

JITESH

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