

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-51574-2021(O&M)
Date of decision : 03.08.2022

Baldeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Rajesh Bhatheja, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

CRM-26862-2022

This is an application under Section 482 Cr.P.C. for placing on record the copy of the statement of PW-4 Sukhmander Singh as Annexure P-7.

Application is allowed. Annexure P-7 is taken on record subject to all just exceptions.

CRM-M-51574-2021

This is a second petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.144 dated 28.08.2021 registered under Sections 384, 386, 120-B, 506 IPC and Section 25 of the Arms Act, 1959 at Police Station City Moga, District Moga.

Learned counsel for the petitioner has submitted that in the present case FIR has been registered on the basis of secret information

which was primarily against Arshdeep Singh, who is stated to have procured large quantity of illegal weapons and kept the same at Tarn Taran and as per the secret information, the allegation against the present petitioner was that he himself or had deputed somebody else to get the said consignment picked up. It is further submitted that in pursuance of the said secret information, neither the petitioner has been apprehended with any such illegal consignment in his possession nor any recovery has been effected from the present petitioner after his arrest. It is stated that the petitioner has been in custody since 28.08.2021 and out of 21 witnesses, 15 witnesses are yet to be examined and thus, the trial is likely to take time. It is also submitted that earlier application for regular bail was dismissed as withdrawn on 26.10.2021 and even after the said order, a period of more than 9 months has elapsed and yet the trial has not been completed and two witnesses, i.e. Sukhmander Singh and Mangwinder Singh @ Manga, who were the private witnesses, have been examined and the remaining witnesses are official witnesses and thus, the question of threatening or influencing them does not arise.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that after the secret information was received, the police was able to lay their hands on a huge consignment of weapons which included 4 pistols, 4 magazines and 8 rounds of ammunition. It is further submitted that Sukhmander Singh had stated that he had received a Whatsapp call from Arshdeep Singh, who is the brother of the present petitioner, with respect to said consignment of weapons. It is submitted that although, the recovery has not been effected from the present petitioner but the recovery has been effected in pursuance

of secret information received which shows that the secret information was correct. It is further submitted that Mangwinder Singh @ Manga, the second witness who has been examined now, has stated that it is the present petitioner who had approached him to get the consignment from the disclosed place, which he had refused although, the petitioner had offered him money.

Learned counsel for the petitioner, in rebuttal, has submitted that there is no material to connect the present petitioner to the commission of the alleged crime except for the oral statements/assertions made by the said two persons who have already been examined.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 28.08.2021 and there are 21 witnesses and out of whom only 6 witnesses have been examined and thus, the trial is likely to take time. Earlier bail application of the petitioner was withdrawn on 26.10.2021 and even thereafter, sufficient time has elapsed and yet the trial has not concluded, since 15 witnesses are still to be examined. Two private witnesses namely, Sukhmander Singh and Mangawinder Singh @ Manga have already been examined and the remaining witnesses are official witnesses and thus, the question of the petitioner influencing or threatening the official witnesses does not arise. Even in the FIR, which was registered on the basis of secret information, primary allegations are against Arshdeep Singh for procuring large consignment of illegal weapons and the petitioner is stated to be the person who either himself or had to depute some body to pick up the said consignment. The petitioner has not been apprehended along with any

consignment nor anything has been recovered from the petitioner.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

August 03, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No