

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

211

CRM-M-52460-2021

Date of Decision : **March 14, 2022**

JAGROOP SINGH ALIAS GULLU

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Through Video Conferencing

Present : Mr. Jasdeep Singh, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

The present petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.189 dated 2.11.2021 under Sections 399/402 IPC and Section 25 of Arms Act, registered at Police Station Sadar Bathinda, District Bathinda.

As per the FIR which has been attached as Annexure P-1 with the present petition, the police party received an information from one ASI Harjiwan Singh that he has a tip that Sanamdeep Singh @ Deep, Pawan Kumar, Pankaj Sharma, Harpeet Singh @ Thapa and Jagroop Singh @ Gullu (petitioner) have made one gang and they have brought illegal weapons from UP and supplied in District Bathinda and nearby areas and they are also habitual of looting and today also they are present at Khushk Badargarh park in front of Cancer Hospital duly armed with weapons and planning to loot any bank/cash van of bank or may be some

business man and they are also having an Alto Car with them bearing No.HR14D-5541 and if the raid is conducted right now then they can be apprehended alongwith illegal weapons in heavy quantity.

The learned counsel for the petitioner has submitted that although the petitioner was named in the FIR but he has no role to play and he has been falsely implicated in the present case.

On the other hand, the learned State counsel has submitted that a detailed affidavit has been filed in the present case and while referring to para Nos. 3 and 4 of the affidavit filed by the State, he submitted that on the basis of the information received by the police, a raid was conducted whereby four accused persons, namely, Sanamdeep Singh @ Deep, Pawan Kumar, Pankaj Sharma and Harpeet Singh @ Thapa were apprehended at the spot alongwith weapons of .32 bore, 20 live cartridges of .32 bore and 2 country made pistols of 315 bore were recovered from the aforesaid co-accused and so far as the role of the present petitioner is concerned, he was an active member of the gang and has been specifically named in the FIR and during interrogation of the aforesaid four persons, it was revealed by them that it was the petitioner who had gone for the *recci* of the area and the other co-accused, namely, Sanamdeep Singh also stated that he had already supplied two weapons to the petitioner and, therefore, the custodial interrogation of the petitioner is required to unveil the entire chain of operation and ascertain his links with other criminals.

The learned State counsel further referred to para No.5 of the affidavit wherein it has been submitted that the petitioner has concealed

material facts from this Court by filing the present petition and that the petitioner is also involved in as many as 4 other cases out of which one pertains to Sections 399/402/411 IPC and Section 25 of the Arms Act which is similar to the present case and other FIR pertains to NDPS Act. He submitted that in view of the active concealment made by the petitioner in the present case, he does not deserve the concession of anticipatory bail and has prayed that the present petition be dismissed with costs. Para No.5 of the affidavit is reproduced as under:-

“That the petitioner concealed the material fact that apart from the present FIR, four more cases are registered against the present petitioner. The list of the FIRs are as below in a tabulated manner:-

Sr. No.	FIR No. Date	Under Section	Police Station	Stage of the trial
1	0051/28.04.2020	307/353/186/332/4 27/506/188/269/27 1/283/148/149 IPC and Section 51 of Disaster Management Act, 2015	Dayalpura	Investigating pending
2	161/18/11/2020	399/402/411 IPC and Section 25 of Arms Act	Dayalpura	Investigating pending
3	009/31/01/2015	21/61/85 of NDPS Act	Dayalpura	Undergone
4	13/14/02/2021	188 IPC	Phool	Undertrial

I have heard the learned counsels for the parties.

The argument raised by the learned counsel for the petitioner that he has been falsely implicated in the present case is not based upon any substance in view of the fact that the petitioner was specifically named in the present FIR and the other persons, who have been named in

the FIR were apprehended at the spot alongwith huge quantity of weapons and cartridges and during interrogation as per the State, they have also stated that the petitioner had done the *recci* of the area and the petitioner was also supplied two weapons. Although this Court does not wish to go into the merits of the case with regard to the allegations but this Court is more concerned about the active and deliberate concealment made by the petitioner in para No.10 of the petition. Para No.10 of the petition is reproduced as under:-

“That no other case is pending and in no other case the petitioner has been convicted anywhere in India as per the instructions of the petitioner.”

A perusal of the aforesaid para would show that the petitioner had stated in the petition that there is no other case pending against the petitioner and the present petition is also supported by an affidavit of the petitioner at Page Nos. 6 and 7 of the paper book. However, the State has given details of 4 other cases against the petitioner. On a query being put to the learned counsel for the petitioner as to why there has been an active concealment, he has not been able to justify the same. However, he has submitted that the petitioner is on bail in the other cases. All the aforesaid 4 FIRs are of the years 2015, 2020 and 2021 which seem to be prior to the registration of the present FIR and in case the petitioner is on bail as per the learned counsel for the petitioner then this aspect becomes more serious because the present FIR was registered against the petitioner during the subsistence of the aforesaid bail orders in other cases. No justifiable explanation has come

forth from the petitioner with regard to such a misconduct on the part of the petitioner pertaining to active and deliberate concealment which is supported by an affidavit of the petitioner.

In view of the above, the petitioner does not deserve the concession of anticipatory bail. The present petition is, therefore, dismissed with costs of Rs.25,000/-. The petitioner is directed to deposit the aforesaid costs before the Court of Chief Judicial Magistrate, Bathinda within a period of two months from today and on depositing the same, the Chief Judicial Magistrate, Bathinda shall send the costs to the Punjab State Legal Services Authority, Chandigarh. In case the petitioner does not deposit the costs before the Chief Judicial Magistrate, Bathinda within the aforesaid period then the Chief Judicial Magistrate, Bathinda shall further take appropriate measures for recovery of the costs in accordance with law.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

A copy of this order be sent to the CJM, Bathinda.

March 14, 2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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