

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

CRM-M-53802-2022
Date of Decision: 24.11.2022

GAGANDEEP SINGH @ GAGAN

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Achin Gupta, Advocate
for the petitioner.

Ms. Ramta Choudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

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 Section 25 of Arms Act (Amendment) Act, 2019, (Sections 21(B), 61, 85 of Narcotic Drugs and Psychotropic Substances Act, 1985 added later on) at Police Station Sadar, Faridkot, District Faridkot.

2. 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 (petitioner) in connivance with his accomplices Lakhwinder Singh alias Lakha son of Makhan Singh and Satpal Singh alias Gaggu (since granted bail vide order dated 10.11.2022) were in the business of trafficking in illegal arms in the area of Faridkot and Mohali and Gagandeep Singh alias Gagan (petitioner) 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.

3. 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 and the person sitting next to the petitioner disclosed his name as Gagandeep Singh alias Gagan (petitioner).

The personal search of the petitioner-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 (since granted bail vide order dated 10.11.2022) 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, 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.

4. The learned counsel for the petitioner-Gagandeep Singh @ Gagan contends that the petitioner has been in custody since 03.08.2022. He is stated to be sitting with the driver of the car. The recovery of only one weapon has been effected from him. 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, moreso when his co-accused Satpal Singh @ Gaggi and Balwan Singh have been granted the concession of bail vide order dated 10.11.2022 passed in CRM-M-46850-2022 and CRM-M-51083-2022.

5. The counsel for the State contends that since the petitioner is part of a large gang dealing with weapons and narcotics, he did not deserve the concession of regular bail. He however does not dispute the factual assertion regarding the recovery made from the petitioner as also the period of custody and the stage of trial.

6. I have heard the learned counsel for the parties.

7. Admittedly, the petitioner is in custody since 03.08.2022. He is a first-time offenders and does not have any other case registered against him.

No drugs/narcotic substances have been recovered from the petitioner. 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. Even otherwise, the co-accused of the petitioner namely, Satpal Singh @ Gaggi and Balwan Singh have been granted the concession of bail.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner 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 he is not involved in any other crime other than the cases mentioned in this order.

10. In addition, the petitioner (or anyone on his 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 petitioner from Trial without sufficient cause.

(JASJIT SINGH BEDI)
JUDGE

24.11.2022

JITESH

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