

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

CRM-M-5396-2023
Date of Decision:08.02.2023

LAKHWINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. J.S. Sekhon, Advocate
for the petitioner.

Mr. Shubham Kaushik, Asstt. A.G., 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 Arms Act, 1959 (Sections 21(B)/61/85 NDPS Act 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 (granted bail vide order dated 24.11.2022 passed in CRM-M-53802-2022) in connivance with his accomplices Lakhwinder Singh alias Lakha (petitioner) son of Makhan Singh and Satpal Singh alias Gaggu (granted bail vide order dated 10.11.2022 passed 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.

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.

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 Lakhwinder Singh alias Lakha (petitioner) 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 Mohammad Tariq (granted bail vide order dated 06.12.2022 passed in CRM-M-55547-2022) and Balwan Singh (granted bail vide order dated 10.11.2022 passed 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 and one motorcycle make-Yamaha were 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 contends that weapons have been recovered from the petitioner which would only make out an offence under the Arms Act. So far as the recovery of 50 gms of heroin was concerned, the said quantity was non-commercial quantity of contraband. Since the co-accused of the petitioner had been granted the concession of bail, the petitioner was in custody since 07.08.2022 and in the two other cases registered against him, he had been granted the concession of bail, he ought to be granted the similar concession in the present case as well.

5. The learned State counsel contends that the petitioner is a part of a large gang dealing with weapons and narcotics. He did not deserve the concession of regular bail, moreso when he had criminal antecedents and was an accused in two other cases bearing FIR No.122 dated 10.07.2020 registered under Sections 379, 411 and 473 and FIR No.219 27.04.2022 registered under Sections 380, 452, 149, 148, 427, 506 IPC at Police Station Sohana, SAS Nagar.

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

7. Admittedly, the petitioner is in custody since 07.08.2022. In the two other cases registered against him bearing FIR No.122 dated 10.07.2020 registered under Sections 379, 411 and 473 and FIR No.219 27.04.2022 registered under Sections 380, 452, 149, 148, 427, 506 IPC at Police Station Sohana, SAS Nagar, he has been granted the concession of bail. The copy of the said orders are marked as **A & B**. 50 gms of heroin has been recovered from the petitioner which is a non-commercial quantity. 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, moreso, when his co-accused Satpal Singh @ Gaggu, Balwan Singh, Gagandeep Singh @ Gagan and Muhammad Tarik 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-Lakhwinder Singh son of Makhan Singh 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.3,00,000/- 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

08.02.2023

JITESH

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