

**219((1) IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH**

**CRM-M-12744-2023
Date of Decision: 11.05.2023**

Balraj Singh

...Petitioner

V/S

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. PPS Duggal, Advocate
for the petitioner.

Mr. Madhur Sharma, AAG, Punjab.

DEEPAK MANCHANDA J. Oral

Instant petition has been filed under Section 439 Cr.P.C. seeking regular bail in the case bearing FIR No. 6 dated 23.08.2022 registered under Sections 153, 153-A, 212, 216 and 120-B of the Indian Penal Code, 1860 and Section 21 of Narcotic Drugs and Psychotropic Substances Act and Section 25 of Arms Act, 1959 at Police Station SSOC, SAS Nagar, District SAS Nagar, Mohali.

Short reply by way of an affidavit of Gurcharan Singh, PPS, Deputy Superintendent of Police, State Special Operation Cell, SAS Nagar has been filed by State, which is taken on record.

Brief facts of the case are that on 23.08.2022 SI/ SHO Manpreet Singh received a secret information that Lakhvir Singh @ Landa, who is residing in Canada in connivance with Satnam Singh @ Satta alongwith other unknown persons are illegally supplying arms and ammunitions and funding, he being follower of Khalistan separatist ideology with an intent to create disturbance on the ground of religion at the instance of Pakistani

Agency ISI and target the leaders of religious organizations and political leaders due to which peace of State of Punjab may get disturbed and FIR was registered.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present FIR. He further contends that petitioner is the young student of 21 years of age has passed +2 examination and had applied to various jobs including in the Army and a character verification certificate was issued by the SSP Tarn Taran stating that the petitioner is a person of good moral character with no criminal case against him. He refers to Annexurs P1 to P4 in this regard. He again submits that petitioner has been nominated on the basis of disclosure statement of co-accused, namely, Lovejeet Singh, who was arrested on 19.09.2022 and during interrogation in his disclosure he named the present petitioner. He further submits that as per prosecution during interrogation petitioner admitted on his own that he had transferred a parcel containing money to location given by Lovejeet Singh @ Love from Brick Kiln to tubewell of Lovejeet Singh. Learned counsel further submits that nothing as such has been recovered from the petitioner and there is no witness or evidence in the challan presented by the prosecution to reflect that the petitioner has committed any such offence and no other FIR has been registered against the present petitioner. It is again submitted that no useful purpose would be served by keeping the petitioner behind the bars as the challan has already presented where the charges have not been framed yet. He prays for grant of regular bail.

On the other hand, learned State Counsel on instructions from the

Investigating Officer has opposed the aforesaid prayer on the ground that

the petitioner is involved in the serious crime, however, does not dispute that the challan stands presented and charges are yet to be framed.

Having heard learned counsel for the parties and gone through the case file and custody certificate filed by learned State counsel, it is significant to note that no other case is pending against the petitioner. Further investigation of the case has also been completed and challan stands presented but the charges have not been framed yet. Therefore, no useful purpose would be served by keeping the petitioner in further incarceration, thus the present petition for grant of regular bail deserves to be allowed.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

Accordingly, this petition is allowed.

11.05.2023	(DEEPAK MANCHANDA)
sapna	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No