

2023:PHHC:056522

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

CRM-M-12637-2023

Date of Decision: April 21, 2023

Ankush @ Raja Bhaiya

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rishu Mahajan, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Vivek Puri, J.

1. Ankush @ Raja Bhaiya-petitioner is seeking anticipatory bail in the case bearing FIR No. 142, dated 10.10.2021, under Section 411 of the Indian Penal Code and Section 25 of the Arms Act, registered at Police Station Sadar Kotkapura, District Faridkot.

2. Learned counsel for the petitioner contends that in the instant case, .315 bore country made pistol along with 3 live cartridges have been recovered from Rupesh Kumar, co-accused and .30 bore pistol has been recovered from the possession of Sukhjit Singh @ Sukh Shooter, co-accused. The petitioner has been nominated as an accused

on the basis of disclosure statement of Sukhjit Singh @ Sukh shooter, co-accused. The allegations against the petitioner and the co-accused Vishal Sabharwal are to the effect that they had supplied two .32 bore pistols and cartridges to Sukhjit Singh @ Sukh Shooter and Jassi co-accused had taken one pistol out of them. It has been submitted that the petitioner is sought to be implicated only on the basis of the confessional statement of the co-accused and furthermore, another co-accused, Kapil Ghai, who is also sought to be nominated on the basis of the disclosure statement of the co-accused, has been granted interim bail by this Court.

3. Learned State counsel has opposed the bail application on the score that there are serious allegations with regard to supply of arms and ammunitions by the petitioner to the co-accused and such weapons are used to disturb the peace and harmony of the State. Furthermore, the petitioner has been convicted in a case under Punjab Excise Act. Though he has been acquitted in one case, but still he is arraigned as an accused five other cases and out of them, his arrest is pending in two cases. The custodial interrogation of the petitioner is required to verify the source from where the arms and ammunitions are being procured.

4. At the very outset, it may be mentioned here that the case of the petitioner cannot be termed to be parity with

Kapil Ghai, co-accused, who has been granted interim bail. The allegations against Kapil Ghai, co-accused are to the effect that he had provided shelter to the co-accused for a period of 2 days. Kapil Ghai, co-accused was granted interim bail, *inter alia*, on the ground that he was resident of Jalandhar, whereas the co-accused were arrested in the area of Police Station Kotkapura. There are specific and categoric allegations to the effect that the petitioner along with the co-accused, namely, Vishal Sabharwal had supplied two fire arms and ammunition to the co-accused. Moreover, the custodial interrogation of the petitioner also appears to be essential to verify the source from where the arms and ammunitions were procured. Such like offences are not to be viewed lightly and the matter requires thorough probe and investigation. Moreover, the petitioner has been convicted in a case under Punjab Excise Act and he is also arraigned as an accused in the following cases:-

Sr. No.	FIR No.	Under Section	Status
1.	51 dated 27.3.2021	323/325/34 IPC, P.S. City Nakodar	Arrest pending
2.	150 dated 03.9.2021	386 IPC, 25 Arms Act, P.S. Sadar Nakodar	On bail, challan is pending in the Court.
3.	180 dated 14.9.2021	449/511/120-B IPC, 25 Arms Act, PS Sadar, Faridkot	On bail, challan is pending in the Court.
4.	220 dated 22.12.2021	379B/379/326/324 /148/149 IPC, 25	On bail, challan is pending in the Court

		Arms Act, PS Shahkot	
5.	67 dated 17.6.2022	212/216 IPC, P.S. Nakodar	Arrest pending

The illicit fire arms and ammunitions are being used in various crimes and illegal flow of such weapons is required to be checked and dealt with sternly.

5. Keeping in view the entire circumstances appearing in the instant case and the antecedents of the petitioner, no exceptional circumstances are made out to extend the concession of pre-arrest of the petitioner.
6. The instant petition is dismissed, accordingly.

April 21, 2023
vk d

(Vivek Puri)
Judge

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