

CRM-M-15315-2023

-2-

police party conducted a search and there was a recovery of one 32 bore pistol alongwith 10 live cartridges. She submitted that thereafter during investigation on the basis of disclosure statement of the petitioner two more illegal pistols of 32 bore were recovered. She further submitted that the petitioner is also involved in 3 more cases out of which one case pertains to NDPS Act. She further submitted that in one of the cases, the petitioner was released on bail on 27.02.2022 under the NDPS Act and thereafter on 13.04.2022, the present offence was committed and there was a huge recovery of illegal arms and live cartridges from the petitioner and there is a strong apprehension that in case the petitioner is released on bail then he may not only abscond but may also repeat the offence. She submitted that earlier petitioner filed a petition for grant of regular bail which was dismissed by this Court vide detailed order dated 07.09.2022 (Annexure P-12) and his second bail petition was dismissed as withdrawn vide order dated 16.01.2023 (Annexure P-13) and the present is third successive bail petition and there is no change of the circumstance after the withdrawal of the earlier bail petition. She further submitted that so far as the bail granted to the other co-accused is concerned, he is not in parity with the present petitioner. Since even as per the FIR itself, the recovery on the spot was made from the petitioner who is the main accused and therefore, it cannot be said that the petitioner is at parity with the other co-accused, namely, Gurpreet Singh.

I have heard the counsel for the parties.

The earlier bail petition of the petitioner was dismissed vide order dated 07.09.2022 (Annexure P-12) and thereafter the second bail

CRM-M-15315-2023

-3-

petition of dismissed as withdrawn on 16.01.2023 (Annexure P-13) and thereafter there has been no change of circumstance. The total custody of the petitioner is about one year. Allegedly there has been recovery of illegal pistol along with 10 live cartridges and thereafter there is an alleged recovery of two more illegal pistols from the petitioner. The petitioner is also stated to be involved in 3 more cases. The facts and circumstances of the present case suggests that the petitioner is not at parity with the co-accused who has been extended benefit of the regular bail. The apprehension which has been expressed by the learned State counsel, giving the facts and circumstances of the present case that he may not only abscond but may also repeat the offence, cannot be ignored and carries weight.

Therefore, considering the seriousness of allegations against the petitioner and the gravity of offence, this Court does not deem it fit and proper to grant bail to the petitioner.

Consequently, the present petition is dismissed.

However, anything observed herein above shall not be treated as an expression of opinion on merits of the case & is only meant for the purpose of decision of present petition.

10.04.2023
neelam

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No