

101

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

CRM-M-35015 OF 2023

DATE OF DECISION : 08.08.2023

Bharat Kalyan**...Petitioner****Versus****State of Punjab****...Respondent****CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : Mr. A. S. Manaise, Advocate,
For the petitioner.

Mr. Dhruv Dayal, Addl. AG, Punjab.

ARUN MONGA, J. (ORAL)

Instant petition has been filed under Section 438 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking anticipatory bail in case FIR No.52 dated 29.03.2023 registered under Section 25 of Arms Act, 1959 (for short 'the Act') at Police Station Batala, District Gurdaspur.

2. Per prosecution version, on 29.03.2023, Sub-Inspector Balraj Singh along with police officials were on patrolling duty on private vehicles in search of drug peddlers and suspects. When they were present at bank colony, Batala, a secret informer met them and informed that Harpreet Singh @ Prince, Sudhir Simbal @ Ludhar and Bharat Kalyan (present petitioner) are in possession of illegal pistols and on that day, Harpreet Singh @ Prince and Sudhir @ Ludhar are coming on foot along Hansli drain from Amritsar bypass side towards bank colony. If apprehended they can be caught red handed. After sometime, two persons with shorn hair were seen coming from Amritsar by-pass side, who on

seeing the police party tried to run. They were apprehended on the basis of suspicion. Upon personal search of Harpreet Singh @ Prince, one steel shade pistol .32 bore was recovered which was unloaded and two live .32 bore cartridges were recovered from same. Upon personal search of Sudhir Simbal @ Ludhar, three live .32 bore cartridges were recovered from the right side of his pant. Separate parcels were made. Ruqa was sent on the basis of which formal FIR was registered.

3. Learned counsel for the petitioner states that petitioner has been falsely implicated. He was not named in the FIR. He was not arrested from the spot. His name figured for the first time in the disclosure statement of co-accused Harpreet Singh @ Prince.

3.1 Learned counsel further contends that out of sheer political vendetta, petitioner has been hounded and to settle personal scores by the members of political party who are currently part of elected Government. He further contends that father of the petitioner has remained three times Councilor and former President of Municipal Council, Batala.

4. Learned State counsel has tendered status report dated 08.08.2023, by way of affidavit of Shri Lalit Kumar, PPS, Deputy Superintendent of Police, Sub Division City Batala, Police District Batala which is taken on record. Perusal of para 6 of same reveals that petitioner is involved in as many as seven more cases. Same is reproduced hereunder :

Sr. No.	FIR No., Date, U/S Police Station
1	FIR No. 216 dated 10.08.2020 U/s 324, 323, 427, 452, 148, 149 IPC PS City Batala
2	FIR No.286 dated 07.03.2020 U/s 384, 451, 323, 454, 506 IPC PS City Batala
3	FIR No.3 dated 7.3.2021 U/s 307, 324, 323, 148, 149 IPC, 25/54/59 Arms Act, PS City Batala
4	FIR No.83 dated 380, 341, 323, 324, 148, 149 IPC PS Civil Lines

	Batala
5	FIR No.219/2021 U/s 324, 323, 341, 148, 149 IPC PS Civil Lines, Batala
6	FIR No.103/2020 U/s 326, 325, 324, 323, 452, 148, 149 IPC PS Qadian
7	FIR No.18 dated 26.1.2023 U/s 323, 324, 452, 148, 149 IPC PS City Batala (quashed by the Hon’ble Punjab and Haryana High Court).

5. I have heard rival contentions of learned counsel for the parties and gone through the record.

6. *Apropos*, para 6 of the report *ibid*, it is clear that petitioner is a habitual offender. His antecedents are not clean as he is involved in seven more cases, including one each under Section 307 and 326 IPC.

7. In view of the above, no ground for grant of pre-arrest bail is made out.

8. Dismissed.

9. Pending application(s), if any, shall also stand disposed of.

AUGUST 08, 2023
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No