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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.35189 of 2023
Date of decision: 30.11.2023

Sonu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. T. V. S. Lehal, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

Present second petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.88, dated 28.11.2021, under Sections 3, 4, 5 of Explosive Substances Act, 1908, Section 25 of Arms Act, 1959 and Section 120-B of Indian Penal Code, 1860, registered at Police Station Bhaini Mian Khan, District Gurdaspur.

Adumbrated facts of the case are that on 28.11.2021, Inspector/SHO Surinder Pal Singh along with other police officials was on patrolling duty and they were conducting special operation and were going from police station towards the village Rajubela, Salahpur Bet, Inder-district picket Dhanoa Pattan and then Inspector Amandeep Singh along with other police officials met him and they were also joined in the police party. They started checking the suspicious persons on the embankment of T-Point village Salahpur and then, Inspector/SHO Surinder Pal Singh received secret information that Raj Singh @ Shindu, resident of Waddi Miani, who was lodged in Central Jail, Hoshiarpur in a murder case, was released on bail few

days ago. Further that Sonu son of Lal Singh, resident of Nihalewala, Police Station Sadar, Ferozepur is son of maternal uncle of Raj Singh @ Shindu and he is involved in many criminal cases. Aforesaid Sonu had relations with smugglers of neighbouring Country Pakistan, who had convened the talk of Raj Singh @ Shindu and his companion Sonu, son of Gurbachan Singh i.e. the present petitioner with the smugglers from Pakistan. Raj Singh @ Shindu after his release from jail contacted his known Pakistani smugglers and he was supplied with weapons and explosive substances in India by his known Pakistani smugglers. The informer also informed that Raj Singh @ Shindu along with his companion Jasmeet Singh @ Jagga were going on a motorcycle make Splendor from Gurdaspur side with an intention to commit some occurrence and if strict checking is conducted by laying a naka, they can be apprehended along with the weapons and explosives. Accordingly naka was laid and motorcycle was spotted, which was being driven by Jasmeet Singh alias Jagga and on which, Raj Singh alias Shindu was pillion rider. Both were arrested on the spot. On their search, Jasmeet Singh @ Jagga was found to be having a mobile phone and three currency notes of denomination of Rs.100 each. On search of accused Raj Singh @ Shindu, one pistol alongwith magazine and one mobile phone were recovered. The investigation was completed and the challan was finally presented against five accused including the petitioner, who was arrested on 01.12.2021. The petitioner approached the Court of Sessions Judge, Gurdaspur for bail and the same was declined vide order dated 30.03.2022. The petitioner on the earlier occasion approached this Court by way of filing CRM-M-51749-2022, however, the

same was allowed to be dismissed as not pressed vide order dated 11.01.2023. Hence, the petitioner has approached this Court again by way of filing the present second petition for grant of bail.

Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in this case. He has submitted that the petitioner has been implicated on the basis of disclosure statement allegedly suffered by Raj Singh @ Shindu wherein he had stated that Sonu, son of Lal Singh is his maternal uncle's son and he had the relations with smugglers of neighbouring Country Pakistan, and that Sonu arranged his talk with the smugglers of Pakistan, who had supplied him weapons and explosive substances. He has further stated that the disclosure statement suffered by Raj Singh @ Shindu is not reliable evidence and the present petitioner has been falsely involved in the present case. He has stated that neither the petitioner was arrested from the spot nor anything was recovered from him. He has submitted that co-accused, namely, Jasmeet Singh alias Jagga, who was accompanying the man and Raj Singh @ Shindu has been granted the concession of regular bail by this Court in CRM-M No.38262 of 2023 vide order dated 04.10.2023. He has further stated that the petitioner is behind bars since 01.12.2021 and trial of the case will take sufficient time to conclude and no useful purpose would be served by keeping the petitioner in custody for such a long time. He further submits that the investigation is complete and charges have been framed, thus, he deserves to be released on bail.

On the other hand, learned State counsel has opposed the submissions made by learned counsel for the petitioner. She, on instructions from SI Satnam Singh, has submitted that the petitioner was specifically named by accused Raj Singh @ Shindu, who has specified his role that the petitioner was having relations with the smugglers of Pakistan with whom he (petitioner) arranged his talk and he got weapons and explosives from the smugglers of Pakistan. She has further stated that the petitioner is not entitled to be released on bail. She has further submitted that out of 21 prosecution witnesses, 3 witnesses are given up and only Investigating Officer has been examined so far. She has affirmed the submission made by learned counsel for the petitioner that co-accused, namely Jasmeet Singh @ Jagga has been allowed bail by this Court vide order dated 04.10.2023.

Heard.

Evidently, the FIR in the case was registered on the basis of the secret information and the petitioner was involved in the present petition on the basis of disclosure statement suffered by Raj Singh @ Shindu. The petitioner was neither arrested at the spot nor anything was stated to be recovered from him. Out of total 21 prosecution witnesses, 3 witnesses have given up and 1 witness i.e. the Investigating Officer, has been examined. The co-accused, namely, Jasmeet Singh @ Jagga has been granted the concession of bail by this Court vide order dated 04.10.2023. This Court would refrain itself from commenting anything on merits of the case. However, considering the prayer for grant of bail to the petitioner, this Court is of the view that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. The trial would take sufficiently long time in its

conclusion. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

30.11.2023
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Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No