

CRM-M-37693-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

219

CRM-M-37693-2023

Date of decision: 20.09.2023

Rajwinder Singh

....Petitioner

V/s

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Pankaj Maini, Advocate for the petitioner.

Mr. Madhur Sharma, AAG Punjab.

ARUN MONGA, J. (Oral)

Status report dated 20.09.2023 by way of affidavit of Gursher Singh Sandhu, Deputy Superintendent of Police, Investigation, District SAS Nagar, has been tender in course of hearing, which is taken on record.

2. After being declined bail by the trial Court, petitioner before this Court seeks his release as undertrial in a case bearing FIR No.170 dated 19.05.2023, registered under Section 25 of the Arms Act, 1959 at Police Station Sohana, SAS Nagar Mohali.

3. Per First Information Report (FIR), on 19.05.2023 a secret information was received by Police that petitioner along with co-accused namely Pulkit and Lovepreet Singh, members of Lawrence Bishnoi Gang, were bringing large number of illegal weapons from Haryana in a car to Kurali. On the day of occurrence, a barricade was erected at the disclosed place. At about 04:30 pm, a white color car make Verna was seen coming from Zirakpur side, which was being driven by Lovepreet Singh while petitioner was sitting by his side and accused Pulkit Mehta was on rear seat of the car. On seeing the police party, they stopped the car and tried to turn back but were apprehended by the police party. On checking, one country made pistol 30 Bore along with 5 live cartridges were

recovered from the petitioner while one country made pistol along with 2 live cartridges were recovered from accused Loveprret Singh and Pulkit Mehta. They were arrested. In course of investigation and as per disclosure statement of accused Rajwinder Singh, two more pistols and 5 live cartridges were recovered.

4. Learned counsel for the petitioner contends that allegations in the FIR are vague. The recovery which is alleged to have made has been planted upon the petitioner. He submits that petitioner has been falsely implicated in this case. Moreover, co-accused of petitioner has been accorded the concession of bail by the Court below, vide order contained at Annexures P-2 to P-4.

4.1 Further submits that challan has already been presented and conclusion of trial will take long time, thus, no useful purpose would be served by keeping the petitioner behind the bars. Petitioner is stated to be in custody since 19.05.2023.

5. Per contra, learned State counsel, opposes the bail petition. He contends that petitioner has committed a serious offence. He submits that petitioner was apprehended and one country made pistol along with five live cartridges was recovered from him. Moreover, on the disclosure statement of petitioner, two more pistols and 5 live cartridges were recovered from his house. He further submits that petitioner is habitual offender as he is involved in one more FIR under Section 302 IPC. There is likelihood that petitioner may tamper with evidence and influence the witnesses, in case he is released on bail.

6. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

7. After completion of investigation, report under Section 173 Cr.P.C. has been presented before the Court of competent jurisdiction. Case is pending for framing of charge and the next date of hearing is stated to be 25.09.2023. In view of reply and antecedents of petitioner, no ground is made out to grant bail at this

stage. Moreover, given the nature of offence, possibility of the petitioner influencing/intimating the witnesses, who are yet to depose, cannot be ruled out. In the premise at this stage, the concession cannot be accorded to the petitioner.

8. Consequently, I find no ground to interfere. Petition is dismissed.
9. It is made clear that any observations and/or submissions noted herein above shall not have any effect on merits of the case as the same are for the limited purpose of deciding the instant bail petition alone and learned Trial Court shall proceed in accordance law without being influenced with this order.
10. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

September 20, 2023
Ajay

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