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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 38290 of 2023

Date of Decision :24.08.2023

Gurjant Singh @ Janta

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. Amrinder Singh, AAG, Punjab.

.....

SANJIV BERRY, J.

The instant petition under Section 438 Cr.P.C has been preferred by the petitioner seeking anticipatory bail in the event of arrest in FIR (Annexure P-1) as under:-

FIR No.	Dated	Sections	Police Station
14	03.02.2023	25 of the Arms Act, (lateron Sections 420,465,467,468,471 and 120-B IPC added).	Payal, Police District Khanna, Ludhiana

2. Briefly stated the case of the prosecution is that on 03.02.2023 at about 01.00 am, police party was present at the T-point of village Jalla, and they saw one Maruti car bearing registration No. PB-10-AU-9668 was coming from the side of Police line, which was signaled to stop and the

driver of the vehicle namely Yadwinder Singh was apprehended by the police party and on personal search one country made .32 bore pistol and three live cartridges were recovered from his conscious possession and on search of the said vehicle one .12 bore pump action rifle along with 11 live cartridges and one arm licence which was found fake were recovered, resulting in registration of present FIR (Annexure P-1).

3. It has been contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case only on the disclosure statement made by Yadwinder Singh and no reliance thereto can be placed. He submitted that there is nothing against the petitioner regarding his involvement in the alleged crime and as such he has prayed for grant of anticipatory bail to the petitioner.

4. Learned State counsel has placed on record the reply dated 24.08.2023 by way of affidavit filed by Deputy Superintendent of Police, Sub Division Payal, Police District Khanna, District Ludhiana. The same has been taken on record. Copy thereof has been supplied to the learned counsel for the petitioner.

5. As per learned State counsel, on apprehension of accused Yadwinder Singh one country made .32 bore pistol and three live cartridges were recovered from his conscious possession and on search of the said vehicle one .12 bore pump action rifle along with 11 live cartridges were recovered and during course of his interrogation he made disclosure statement regarding the aforesaid rifle and also the arms licence to have been provided to him by the present petitioner after taking ₹1,80,000/- and ₹85,000/- respectively. He submitted that the said arms licence had been

forged and fabricated got procured by the present petitioner and it is to be verified as to where from he got it and from where he had got the aforesaid rifle, for which his custodial interrogation is required. He as such prayed for dismissal of the bail application.

6. Considering the rival contentions and perusing the record it transpires that although the present petitioner was not named in the FIR but his name surfaced during interrogation of the accused Yadwinder Singh who was apprehended by the police party while keeping in his possession one country made 32 bore pistol and three live cartridges were recovered from his conscious possession and on search of the said vehicle one .12 bore pump action rifle along with 11 live cartridges were recovered which he had kept unlawfully. On the basis of disclosure statement made by Yadwinder Singh the present petitioner had been nominated as it has specifically been said by him that the aforesaid rifle and also the arms licence, which was found to be forged and fabricated, had been provided to him by the present petitioner for an amount of ₹2,65,000/-. therefore, in these circumstances the custodial interrogation petitioner is required.

7. Therefore, considering the nature and gravity of offence, finding no case being made out in favour of petitioner for grant of anticipatory bail, the petition is hereby dismissed.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

24.08.2023

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

Yes/No

Yes/No