

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

CRA-D-988-2023 (O & M)

Reserved on: 30.11.2023

Pronounced on: 05.12.2023

SHAMSHER SINGH @ SHERA

.....Appellant

Versus

STATE OF PUNJAB

....Respondent

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

**Argued by: Mr. Vishal Khatri, Advocate
for the appellant.**

Ms. Monika Jalota, Sr. DAG, Punjab.

SURESHWAR THAKUR, J.

1. The instant appeal is constituted under the provisions of Section 21 of the National Investigation Agency, Act, 2008 whereby the appellant, has made a challenge to an order drawn on 24.07.2023, whereby the learned Additional Sessions Judge, Patiala, proceeded to decline to the applicant-appellant, the claimed relief of his being enlarged on regular bail.

2. The dismissal order (supra), was made in respect of FIR No. 116 of 15.09.2020, registered at Police Station Sadar, Rajpura. In the said FIR, became embodied offences, punishable under Sections 13, 16, 18, 20 of the Unlawful Activities Prevention Act, 1967 (Amendment Act, 2012) read with Section 25 of the Arms Act and

3. The learned counsel appearing for the appellant, has vigorously argued before this Court, that the impugned order, is liable to be quashed and set aside, as despite no tangible incriminatory material becoming placed before the learned trial Judge concerned, yet a dismissal order being made on his bail application.

4. For determining the worth of the above made contention, it is necessary to allude to the status report, which has been placed, before this Court by the learned counsel for the respondent-State.

5. A reading of the status report, insofar as, it relates to the incriminatory role assigned to the present bail appellant, thus reveals that, three pistols alongwith four live cartridges, were recovered from his possession, on 15.09.2020. Moreover, the said status report also discloses, that he confessed in his disclosure statement, as made to the investigating officer concerned, that he is a close ally of co-accused Shubhdeep Singh @ Shubh, who is a member of terrorist group K.Z.F., and further that the applicant-appellant, used to give money to him in the jail.

6. A reading of the reply/status report further reveals, that the present appellant, on the instructions of the above Shubhdeep Singh @ Shubh, was bringing weapons/ammunition from Madhya Pradesh and thus was ultimately apprehended by the police.

7. The above assigned role to the present bail-applicant-appellant in the status report, thus cannot be argued by the learned counsel for the appellant, to be of no evidentiary vigor nor can he argue that the said assignment of an incriminatory role, to the present applicant-appellant, by the probing agency, yet is neither sufficient nor

became made by the learned trial Judge concerned, on his bail petition.

8. Contrarily, the above unfolded incriminatory role vis-a-vis the present applicant-appellant, to the considered mind of this Court, is both sufficient and potent.

9. In consequence, the dismissal orders, as made on the bail petition of the present appellant, does not require to become interfered with.

10. In aftermath, this Court finds no merit in the appeal, and, the same is accordingly dismissed.

11. The impugned order is maintained and affirmed.

12. The afore observations are meant only for the disposal of the present appeal, and, shall not affect the merits of the trial arising from the FIR (supra).

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

05.12.2023

kavneet singh

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