

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41958-2023
Decided on: 24.08.2023

Sahil Anand

.... Petitioner

Vs.

The State of Punjab

.... Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Ravinder Singh, Advocate, for the petitioner.

DEEPAK GUPTA, J.

By way of this petition filed under Section 438 Cr.P.C., petitioner prays for grant of anticipatory bail in case FIR No.130 dated 11.10.2022 registered at Police Station Division-I, Jalandhar under Sections 25 of the Arms Act (Act No: 54 of 1959).

2. It is contended by ld. counsel that petitioner is neither named in the FIR nor any recovery has been effected from him and that he is sought to be implicated only on the basis of disclosure statement of the co-accused.

3. Notice of motion.

4. Mr. R.S. Khaira, DAG, Punjab accepts notice on behalf of the respondent/State.

5. Ld. State counsel has drawn attention towards the order dated 17.08.2023 (Annexure P2) passed by ld. ASJ, Jalandhar, whereby bail petition of the petitioner was rejected, wherein the role of the petitioner has been specifically pointed out, which emerged during investigation.

6. The facts as noticed by Id. ASJ, Jalandhar, are as under: -

“3. Concisely stated, on 11.10.2022, a police party headed by ASI Nishan Singh received a secret information in the area of ‘Y’ point, Bhagat Singh Colony, Jalandhar to the effect that Rajneesh @ Preet, who is confined in Kapurthala Jail, got supplying the arms illegally. Seth Lal @ Sethi, Rajesh Kumar @ Raja and Raj Pal @ Palli are accomplices of Rajneesh @ Preet, who today, have bags with illegal arms. They are coming towards Maqsudan from Transport Nagar side and if a checking is made, the above said accused can be apprehended, red handed;

Relying upon the said information, accused Seth Lal @ Sethi, Rajesh Kumar @ Raja and Raj Pal @ Palli were arrested. From the search of bag held by accused Seth Lal @ Sethi, four country made pistols along with cartridges were recovered; from the search of bag held by accused Rajesh Kumar @ Raja, four country made pistols along with cartridges were recovered and from the search of bag held by accused Raj Pal @ Palli, four country made pistol along with cartridges were recovered;

During the course of investigation, accused Seth Lal @ Sethi suffered a disclosure statement on 17.10.2022 to the effect that he had brought two mousers, two pistols of 315 bore and a bullet proof jacket from Shishu Sher Khan at Ludhiana at the instance of Preet of Phagwara, but he has handed over the said articles to a boy namely Mat son of ASI Kewal Krishan;

Accused Raj Pal @ Palli suffered a disclosure statement that he had given a pistol to Pawan Kumar @ Rattan and one pistol to Lakhan; Accused Rajesh Kumar @ Raja suffered a disclosure statement that he had given a pistol to Pawan Kumar @ Rattan and one pistol to Lakhan;

Accused Rajneesh @ Preet suffered a disclosure statement on 16.10.2022 that the arms and cartridges, which have been recovered from accused Seth Lal @ Sethi, Raj Pal @ Palli and Rajesh Kumar @ Raja were brought by them at his instance from Shamli (Haryana), Ferozepur and Ludhiana; they used to hand over the arms to the persons nominated by him; he uses a mobile phone in Jail for making contacts;

On 17.10.2022, accused Rajneesh @ Preet suffered a disclosure statement that accused Seth Lal @ Seth had received two mousers, two pistols of 315 bore, some cartridges, one bullet proof jacket, 50 grams of heroin and 50,000/- in cash from Shishu @ Sher Khan and his wife at his instance and

he had also got delivered two pistols to Sahil Anand and his brother Chandan of village Kathgarh, District Nawanshahar. Accused Rajneesh @ Preet further disclosed that he has asked Seth Lal @ Sethi to hand over 50 grams of heroin, 50,000/- in cash, arms and bullet proof jacket to Mat son of Kewal Krishan. Accordingly, Sushil Sahota @ Mattu was nominated as accused;

On 20.03.2023, accused Chandan suffered a disclosure statement to the effect that due to enmity with Kala Baba, he and his brother Sahil Anand had bought two pistols and one of the pistol is with Suraj Sahil Anand and the other pistol has been concealed by him.

7. As is evident from the aforesaid facts, which emerged during investigation, petitioner appears to be a part of a racket dealing with the illicit arms. Interrogation of the petitioner may be necessary to carry forward the investigation.

8. After hearing both the sides, this Court finds the present case to be unfit for grant of anticipatory bail.

Dismissed.

(DEEPAK GUPTA)
JUDGE

24.08.2023

Vivek

1. Whether speaking/reasoned?	Yes/No
2. Whether reportable?	Yes/No