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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42464-2023
Date of decision: 04.09.2023

KAMALJIT SINGH @ KAIM GILL

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Lakshay Bector, Advocate for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.44 dated 26.02.2023, under Section 25 of the Arms Act (Sections 384, 385 and 386 of the IPC added later on), registered at Police Station Sadar Khanna, District Khanna.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 04.03.2023, which is 6 months and the investigation of the case has already been completed and challan has also been presented. He further submitted that in the present case, the allegations were that the police on checking a bus, apprehended two persons namely, Davinder Singh and Karanjot Singh @ Nona from whom there was recovery of 4 country made illegal pistols of .32 bore along with 4 magazines. He further submitted that the petitioner was neither named in the FIR nor he was apprehended at the spot and he has been

falsely implicated in the present case and therefore he may be considered for grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, DAG, Punjab submitted that it is correct that the petitioner is in custody from 04.03.2023 but in the facts and circumstances of the present case, the petitioner does not deserve the concession of regular bail. He further submitted that it is a case where the police on checking a bus had apprehended two aforesaid co-accused, namely, Davinder Singh and Karanjot Singh @ Nona from whom there was recovery of 4 country made illegal pistols of .32 bore along with 4 magazines. He further submitted, on instructions from HC Amarjit Singh, that during the course of investigation, the aforesaid co-accused, namely, Davinder Singh on a subsequent disclosure statement stated that he was to supply the weapons to the present petitioner at the instance of other co-accused, namely, Lovejeet Singh. He further submitted that thereafter the petitioner was nominated in the present case and after his arrest, on his disclosure statement, there had been a recovery of 4 pistols of .32 bore along with 6 magazines from him and the aforesaid recovery from the petitioner was admissible in evidence under Section 27 of the Evidence Act. He further submitted that rather in the present case, there had been a total recovery of 14 illegal pistols of .32 bore, 2 illegal pistols of .315 bore and a lot of ammunition from different accused which were to be used for the purpose of extortion. He also submitted that there is a strong apprehension that in case the petitioner is released on regular bail then he may repeat the offence or may influence any witness or may tamper with evidence or may flee from justice and has vehemently opposed the grant of regular bail to the petitioner.

4. I have heard the learned counsel for the parties.
5. The petitioner is stated to be in custody from 04.03.2023. Although the investigation of the case has already been completed and the name of the petitioner surfaced on the disclosure statement of co-accused, namely, Davinder Singh but as per the learned State counsel, after the disclosure statement, when petitioner was nominated, there had been a recovery of 4 pistols of .32 bore along with 6 magazines from the petitioner. In total there had been a recovery of 14 pistols of .32 bore, 2 pistols of .315 bore and a lot of ammunition from different accused in the present case. The strong apprehension that has been expressed by the learned State counsel that in case the petitioner is released on bail then he may repeat the offence or may influence any witness or may tamper with evidence or may flee from justice cannot be ignored and does carry weight.
6. Therefore, considering the gravity of the offence involved in the present case, this Court does not deem it fit and proper to grant the concession of regular bail to the petitioner.
7. Consequently, finding no merit in the present petition, the same is hereby dismissed.
8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

04.09.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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