

S. No.216

2023:PHHC:161858

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-43480 of 2023

Date of Decision:16.12.2023

Rinku alias Chela

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Sanya Kaushal, Advocate for the petitioner.
Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

Status report by way of affidavit of Shri Gursher Singh Sandhu, PPS, Deputy Superintendent of Police, Detective, SAS Nagar has been filed on behalf of the respondent- State, along with the custody certificate.

By way of present petition filed under Section 439 Cr.P.C., petitioner prays grant of regular bail in case FIR No.144 dated 05.05.2023 registered under Section 25 (Act No.54 of 1959) of Arms Act at Police Station City Kharar, District Mohali, Punjab.

As per prosecution allegations, on 05.05.2023, Police was present near Bus Stand Kharar in connection with patrolling and checking of bad elements, when secret information was received against the petitioner to the effect that he used to supply illegal weapons in heavy quantity and on that day, he had come in the area of Mohali to supply the illegal weapons and was waiting for some person at Bhuru Chowk, having a black coloured shoulder bag and could be apprehended with illegal weapons. On the basis of afore-said information, FIR was registered. The petitioner was apprehended from the disclosed place and from his possession, 07 pistols of .32 bore and 12 live cartridges were recovered. The petitioner could not produce any licence to keep the arms. The said arms i.e.

pistols and live cartridges were taken into possession. On the basis of disclosure statement made by the petitioner, one more accused, namely, Sampat Nehra was nominated. It emerged during investigation, that recovered pistols had been sent by co-accused Sampat Nehra through Rakesh Raka to the petitioner at Ambala.

It is contended by learned counsel for the petitioner that the petitioner has been falsely implicated; that prosecution case is dependant upon the statements of the official witnesses; that investigation is already complete; that petitioner is in custody for the last more than 07 months and 03 days, so he be allowed bail.

Learned State Counsel has strongly opposed the bail petition by pointing towards the heavy recovery of illegal weapons from the petitioner and also the fact that the petitioner is involved in one more criminal case.

Having considered the submissions of both the sides, this Court is not inclined to release the petitioner on bail having regard to heavy quantity of illegal arms recovered from the petitioner without any licence. It will be a matter of adjudication during trial as to whether the statements of official/ police witnesses are believable or not. But at this stage, there is no reason to allow bail only on the ground that all the witnesses are police officials. It is quite common that no public person will associate himself in such crime particularly when an accused is holding illegal arms.

No ground for bail is made out.

Dismissed.

December 16, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No