

CRM-M-48223-2023 &
CRM-M-49454-2023

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

**CRM-M-48223-2023
Date of Decision: 05.10.2023**

Karanjot Singh @ Nona

..... Petitioner

Versus

State of Punjab

..... Respondent

CRM-M-49454-2023

Kohinoor Singh @ Titu @ Ravi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ashish Aggarwal, Advocate,
for the petitioner in CRM-M-48223-2023.

Mr. J.S. Dadwal, Advocate,
for the petitioner in CRM-M-49454-2023.

Mr. H.S. Sitta, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. Both are the second petitions filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners and are being taken up together for final disposal with the consent of the learned counsels for the petitioners, since both the petitions arise out of the same FIR bearing No.44 dated 26.02.2023, under Section 25 of the Arms Act and Sections 384, 385 & 386 IPC were added later on, registered at Police Station Sadar Khanna, District Khanna.

2. It was submitted by Mr. Ashish Aggarwal, learned counsel appearing on behalf of the petitioner-Karanjot Singh @ Nona in CRM-M-48223-2023 that the petitioner is custody since 26.02.2023 and Mr. J.S. Dadwal, learned counsel appearing on behalf the petitioner-Kohinoor Singh @ Titu @ Ravi in CRM-M-49454-2023 has submitted that the petitioner is in custody since 27.02.2023. They submitted that the investigation of the case has already been completed and challan has also been presented before the competent Court but the charges are yet to be framed. Both the learned counsels for the petitioners stated that the petitioners are having clean antecedents and are not involved in any other case and it is a case where both the petitioners have been falsely implicated. They further submitted that as per the allegations, the police was checking the suspicious vehicles and tourist buses and they had stopped the bus which was coming from Gobindgarh side and the same was stopped by giving torch signal on the side of the road. The police party went inside the bus and started searching. On the rear seat of the bus, there were two clean shaven, trimmed beard, young men, who were sitting by keeping one black colour bag on their thighs. The ASI, who is a part of the police party, asked their names and address to which they did not give any response. Therefore, based on suspicion, both were brought down from the bus for checking and again they were asked the name and address and thereafter, one person disclosed his name as Karanjot Singh @ Nona (Petitioner in CRM-M-48223-2023) and the other person disclosed his name as Davinder Singh (Co-accused). Thereafter, it was asked about the bag in their possession then both of them replied in one voice that this is a bag of both of them. The bag was checked and there was a recovery of 4 country-made pistols of .32 bore

along with 4 magazines. The pistols were found empty with no cartridge and magazines were also not having cartridge. Thereafter, on the basis of the disclosure statement made by the co-accused, namely, Davinder Singh, who was caught on the spot, the name of the petitioner, namely, Kohinoor Singh @ Titu @ Ravi (Petitioner in CRM-M-49454-2023) was nominated and allegedly there was recovery of some pistols from him as well. Both the counsels further submitted that earlier the FIR was registered under the provisions of Section 25 of the Arms Act, 1959 and thereafter, Sections 384, 385 & 386 IPC were added. They also submitted that there was no overt act done by the petitioners for any extortion etc. and therefore, considering the aforesaid facts and circumstances, both the petitioners may be considered for the grant of regular bail.

3. On the other hand, Mr. H.S. Sitta, learned DAG, Punjab has vehemently opposed the grant of regular bail to the petitioners and submitted that firstly both the petitions are not maintainable at this stage in view of the fact that both the petitioners had earlier filed petition for grant of regular bail before this Court and it was only on 26.07.2023 that both the petitioners had withdrawn the bail petitions at that stage. The order of withdrawing the aforesaid petitions on 26.07.2023 is reproduced as under:-

“After arguing for some time, learned counsel for the petitioner prays for withdrawal of the present petition at this stage.

Dismissed as withdrawn.”

4. Both the petitions were withdrawn on the same date and the petitioner-Karanjot Singh @ Nona has filed the present petition even just after 2 months of the dismissal of the earlier petition and the petitioner-Kohinoor

Singh @ Titu @ Ravi has also filed after about 1½ months and there is no change of circumstances at all and therefore, both the petitions are not maintainable. He further submitted that secondly, even otherwise on merits also they do not deserve the concession of regular bail. He submitted that when the police party had intercepted the tourist bus, two persons were found in the bus, namely, Karanjot Singh @ Nona (Petitioner in CRM-M-48223-2023) and Davinder Singh (Co-accused) from whom there was a recovery of 4 illegal country-made pistol of .32 bore along with 4 magazines although they were not having any cartridges. Thereafter, the matter was investigated thoroughly and in total 9 more persons were nominated and now total 11 persons are accused in the present case out of which one accused stands discharged. He submitted that so far as the petitioner, namely, Karanjot Singh @ Nona is concerned, there was a recovery of aforesaid pistols and magazines from him on the spot and so far as the petitioner, namely, Kohinoor Singh @ Titu @ Ravi is concerned, he was nominated on the basis of the statement made by the co-accused, namely, Davinder Singh, who was also in the bus and caught on the spot and thereafter, when the name of the petitioner-Kohinoor Singh @ Titu @ Ravi was nominated and he was arrested then there was a recovery of one .32 bore illegal country-made pistol along with three live cartridges from him. Thereafter, there was a recovery of two more pistols under Section 27 of the Evidence Act from him. He further submitted that in total from all the accused in the present case there have been a recovery of 14 pistols which were illegal country-made pistols of .32 bore, 16 magazines, 3 live rounds of .32 bore and 2 more country-made pistols of .315 bore. He also submitted that a gang was being operated and there have been a huge recovery of arms and ammunitions

and therefore, considering the gravity and seriousness of the offence, the petitioners are not entitled for the grant of regular bail. He also submitted that there is an apprehension that in case the petitioners are released on bail then they may abscond or flee from justice or may influence the witness although they are not having any criminal antecedents.

5. I have heard the learned counsel for the parties.

6. It is a case where the petitioner, namely, Karanjot Singh @ Nona in CRM-M-48223-2023 was arrested on the spot along with other co-accused, namely, Davinder Singh from whom there was a recovery of 4 country-made pistols of .32 bore along with 4 magazines and on the disclosure statement of the aforesaid co-accused-Davinder Singh, the name of the petitioner-Kohinoor Singh @ Titu @ Ravi was nominated. The custody of both the petitioners are more than six months. Both the petitioners earlier also approached this Court by filing the bail petition but they withdrew it on 26.07.2023 at that stage. The petitioner-Karanjot Singh @ Nona has filed the present petition even just after 2 months of the dismissal of the earlier petition and the petitioner-Kohinoor Singh @ Titu @ Ravi has filed just after about 1½ months but there is no change of circumstance at all. Be that as it may, this Court is of the view that considering the gravity of the allegations in the present case and the magnitude of the offence involved, both the petitioners do not deserve the concession of regular bail. The apprehension expressed by the learned State counsel that in case the petitioners are released on bail then they may abscond or flee from justice or may influence the witness also cannot be ignored and carries weight.

7. Consequently, both the petitions are devoid of merit and the same are, hereby, dismissed.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

05.10.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned:

Yes/No

2. Whether reportable:

Yes/No