

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(206) 2023:PHHC:100781

1. CRM-M-50770-2022

Date of Decision: 04.08.2023

Gagandeep Singh @ Gaggi

--Petitioner

Versus

State of Punjab

--Respondent

2. CRM-M-56315-2022

Gurpreet Singh @ Gopi

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE PANKAJ JAIN.

Present:- Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pratham Sethi, Advocate for the petitioner
in CRM-M-50770-2022.

Mr. Gautam Dutt, Advocate for petitioner in
CRM-M-56315-2022.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN.J (Oral)

Present petitions have been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case bearing FIR No.0073, dated 14.6.2022 registered under Sections 8 and 25(7) of Arms Act and Section 120-B IPC at Police Station, Balongi, District SAS Nagar, Mohali.

2. As per the allegations levelled in the FIR, it has been alleged as under:-

“During this period, SI Sharanjit Singh No. 531/WAGTF Punjab met, who was joined in the police party then at about 01.05 PM, special informer gave information to me ASI separately that Gagandeep Singh @ Gaggi son of Malkeet Singh, Gurpreet Singh @ Gopi son of Lakhwinder Singh resident of Village Kingra, Tehsil Dabwall, P.S. Udha,

District Sirsa, Haryana, who have relations with Goldi Brar @ Satinder Jeet Singh son of Shamsher Singh resident of Street No. 3, Adesh Nagar, Sh. Kuktsar Sahib at present resident of Canada member of group of Laurance Bishnoi confined in the jail. Who on the asking of Goldy Brar by bringing arms ammunition from MP (Madhya Pradesh), UP (Uttar Pradesh) and Rajasthan etc, supply the same to the criminals in District Mohali city and the surrounding areas. Who today also, as per the asking of Satinder Singh @ Goldy, Gagandeep Singh @ Goggi son of Malkeet Singh, Gurpreet Singh @ Gopi son of Lakhwinder Singh, riding in their vehicle no. HR 25-C 4845, make scorio for supplying the arms ammunition to the criminals from the area of Mohali City from Dara Studio are coming towards Jujaar Nagar through kach passage, if now barricading is laid on the kacha passage going from Dara Studio to Jujjar Nagar then the above persons can be apprehended along with arms and ammunition in heavy quantity. The information is true and reliable. Gagandeep Singh @ Gaggi son of Malkeet Singh, Gurpreet Singh @ Gopi son of Lakhwinder Singh resident of Village Kingra, Tehsil Dabwall, P.S. Udha, District Sirsa, Haryana on the asking of Satinder Jit Singh @ Goldy Brar by bringing arms ammunition from MP (Madhya Pradesh), UP (Uttar Pradesh) and Rajasthan etc and selling the same, have prima facie committed offence under section 25 Sub Section (7) & 8 Arms Act 1959 As Amended by Arms (amendment) Act 2019, 120-B IPC, so the memo is being sent to the police station for registration of the case against Gagandeep Singh @Gaggi, Gurpreet Singh @ Gopi resident of Village Kingra, Tehsil Dabwall, P.S. Udha, District Sirsa, Haryana and Satinder Jeet Singh @ Goldy Brar son of Shamsher Singh resident of Street No. 3, Adesh Nagar, Shri Muktsar Sahab at present resident of Canada under above offences by hand through Head Constable Parvinder Singh 1040/SAS Nagar, after registration of the case, the number of the file be informed.”

3. Specific allegations qua the petitioners have come in the status report filed by way of affidavit of Rupinderdeep Kaur Sohi, D.S.P., Sub Division, Kharar-I, District SAS Nagar, wherein it has been claimed as under:-

“6. That it is respectfully submitted that during their interrogation, the accused Gagandeep Singh alias Gaggi and Gurpreet Singh alias Gopi disclosed that they were introduced to Satinder Jeet Singh alias Goldy Brar (member of Lawrence Bishnoi gang) by Manpreet Singh alias Manna on telephone and on the asking of Goldy Bear, they had brought the recovered arms and ammunition for supplying the same to some person, the details of whom were to be provided by Goldy Brar but before the said information could have been passed by him, they were apprehended by the police party. Besides this, the aforesaid accused persons also disclosed about the involvement of Sukhvir Singh and Gurdeep Singh in the commission of the offences of the present case/FIR. Based upon the aforesaid interrogation of the accused persons including the petitioner on 19/06/2022, Manpreet Singh alias Manna, Sukhvir Singh and Gurdeep Singh were nominated as accused in the present case/FIR. During investigation, efforts were made to arrest the accused Satinder Jeet Singh alias Goldy Brar, Manpreet Singh alias Manno, Sukhvir Singh and Gurdeep Singh, however, they could not be arrested as they have been evading their arrest and are on a run.”

4. Learned counsel for the petitioners submit that even from the allegations as coming in para 6, it is evident that the petitioners cannot be stated to be the members of the gang. Petitioners are in custody for more than 1 year 1 month and 15 days. Challan already stands presented. There is nothing to be recovered from the petitioners. All the witnesses are official and thus there cannot be any apprehension that the petitioners shall

tamper with the evidence.

5. Per contra, learned State counsel has opposed the bail on the ground that both the petitioners have criminal antecedents. Petitioner Gurpreet Singh @ Gopi is facing 11 cases and petitioner Gagandeep Singh @ Gaggi is facing 6 cases involving heinous crimes like section 307 IPC.

6. Faced with such situation, learned counsel for the petitioner relies upon the judicial precedent in case of ***Prabhakar Tiwari Vs. State of U.P and another, 2020(11) SCC 648*** and ***Maulana Mohd. Amri Rashadi Vs. State of U.P., 2012(2) SCC 382*** to contend that the fact of the petitioner being involved in the other cases cannot be a sole ground to decline the bail to the petitioner., the present petitions are allowed. Without commenting on the merits of the case, the petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

8. A photocopy of this order be placed on the connected case file.

(PANKAJ JAIN)
JUDGE

04.08.2023

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No