

217

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

CRM-M-53224-2023 (O&M)

Date of decision : 30.11.2023

DAVINDER SINGH ALIAS JORA

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Harnoor Singh, Advocate for the petitioner.

Mr. Jaswinder S. Arora, DAG, Punjab with ASI Ram Kumar.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.0005 dated 12.01.2023 registered for the offences punishable under Sections 25-54-59 of Arms Act, 1959 at Police Station Nangal, District Rupnagar.

2. As per the contents of the FIR, it has been alleged as under :

“Copy of Ruka, "SHO Police Station Nangal", Jai Hind today I ASI along S/CT Hardeep singh 881/R, PHG Balwinder Singh and PHG Baldev Singh all in govt. vehicle PB-12-Q-1330 patrolling in relation to search of bad elements in society were coming from side of MP Kothi, Nangal towards Bus stand, Nangal and when the police party reached beneath/under Chabra Petrol Pump Over Bridge then the time was about 8-8:30 PM, a clean shaven person was seen coming on foot from the side of the petrol pump, who on seeing the police party coming got nervous and started running towards the railway line on which 1, ASI immediately got the vehicle stopped and with the help of the

fellow police personnels apprehended the clean shaven person and asked about his name and residence, who on asking disclosed his name to be Rup Lal alias Rupa S/O Ram Aasara R/O Vill. Gohlani P.S Nangal Distt Rupnagar. During his search, a 315 bore country made pistol loaded with one live cartridge was recovered from the right pocket of military colour lower that he was wearing. When asked about the same Rup Lal alias Rupa S/O Ram Aasara R/O Village Gohlani, P.S Nangal, Distt. Rupnagar could not produce any license to the ASI. on which, the recovered 315 bore country made loaded pistol by ASI was unloaded and by putting the 315 bore country made pistol into a separate package a parcel was prepared and 01 live cartridge of 315 bore was put into separate package for which a separate parcel was prepared, I ASI sealed both the parcels with seal impression of my P.S. 1/1 and separately prepared the sample seal was. The parcels of recovered case property along with sample seal was taken into possession by police through a separate Fard. Recovery memo was prepared and witnesses were put on the said memo. This way Rup Lal alias Rupa by keeping illegal weapon in his possession, fulfills the offence/s section 25/54/59 Arms Act. The present Ruka against Rup Lal alias Rupa S/O Ram Aasara R/O Vill. Gohlani P.S Nangal Distt Rupnagar is being sent by me through PHG Balvinder Singh by hand to P.S Nangal, for registering case/ FIR, by writing/mentioning the offence above mentioned. After filing the case/ FIR, the file number should be informed and other officers should be notified through wireless message issued by the control room. Special reports should be issued. I ASI along with fellow officers are present at the spot. SD Pritam singh ASI P.S. Nangal, Date 12.01.2023 Today at Chabra overbridge at 10:00 PM, a case above said of offence/crime abovesaid started being registered against Rup Lal alias Rupa S/O Ram Aasara R/O Vill. Gohlani P.S Nangal Distt Rupnagar on receiving the ruka. Instructions were given to MHC for fulfillment of the record. xxxx"

3. On the basis of the secret information one Dilpreet Singh @ Baba was nominated and arrested who suffered statement disclosing the name of the present petitioner. Apart from the aforesaid disclosure, counsel for the petitioner asserts that there is no incriminating evidence against the petitioner and the disclosure being made in the police custody cannot be entertained.
4. State Counsel is not in position to dispute the aforesaid factual assertions made by counsel for the petitioner which are based on record.
5. I have heard counsel for the parties and have gone through records of the case.
6. Without commenting on the merits of the case, keeping in view the allegations levelled and the nature of evidence available against the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
7. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 30, 2023
Dpr

(Pankaj Jain)
Judge

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