

2023:PHHC:143721

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

223

**CRM M-55235 of 2023
Date of Decision: 09.11.2023**

Sandeep Masih @ Mahli

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Amit Arora, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.29 dated 05.09.2023 registered under Sections 25 of the Arms Act and Section 120-B IPC at Police Station State Special Operation Cell, Amritsar, District Intelligence Wing (CID), Amritsar.

2. As per the case of the prosecution, on 05.09.2023, SI Jagdeep Singh was present alongwith other police officials and in the meantime, a secret information was received that Lakhbir Singh @ Landa, who is residing abroad, is carrying out major crimes at Punjab by contacting his close friends Kashmir Singh @ Sheera through media and Whatsapp. As per the said information, Lakhbir Singh @

Landa and Kaashmir Singh @ Sheera had asked Mehakdeep Singh alongwith other accused to carry out major operations in Punjab and they had provided illegal weapons. Consequently, the raid was conducted and Mehakdeep Singh was arrested by the police on 05.09.2023.

3. Learned counsel for the petitioner contends that the petitioner was neither named in the FIR nor he was arrested at the spot by the police. Rather his name has appeared in the disclosures statements suffered by the co-accused Mehakdeep Singh. Learned counsel further contends that the one pistol of 30 bore alongwith one magazine was recovered from the petitioner. He contends that the challan has already been presented in the present case and his further custody will serve no useful purpose.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that two more cases have been registered against him. However, he admitted that the petitioner is on bail in other two cases.

5. I have heard learned counsel for the parties and perused the record.

6. The petitioner was taken into custody in the present case on 20.09.2023 and after completion of the investigation, the final

report under Section 173 Cr.P.C. has already been presented before the competent Court. The recovery has already been effected from the petitioner and his custody is not required at this stage.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall

share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner gets involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner.

(vii) The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

09.11.2023

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No