

(207) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-58847-2022
Date of Decision: 17.01.2023

KULWINDER SINGH @ KINDA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ritesh K. Sharma, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 438 Cr.P.C. is for the grant of anticipatory bail in case bearing FIR No.0150 dated 10.11.2022 (Annexure P-1) registered under Sections 25, 54, 59 of Arms Act, 1959 at Police Station Goraya, District Jalandhar (Jalandhar Rural).

2. The brief facts of the case are that while the police party was on patrolling in connection with checking of bad elements and was present at Village Anihar Gate, then one informer informed that one Bolero car white colour bearing No.PB-08-EY-0164 was parked at the Stadium of Johla Kot Grewal Road and in the car Harbhajan Singh son of Menga Singh was sitting. At a distance from that car, one boy Harpreet and another Kulwinder Singh alias Kinda (petitioner) were also sitting. They indulged in the business of theft, snatching and also sold intoxicating substances and different FIRs had

been registered against them. They would commit crimes by keeping illegal weapons in the vehicle. If a raid was conducted, the three persons could be caught with illegal weapons.

Pursuant to the information, the accused Harbhajan Singh was apprehended and from the search of the vehicle, a 315 bore rifle, magazine and 7 live cartridges were recovered. During the course of investigation, on 12.11.2022, the accused Harbhajan Singh suffered his disclosure statement that the recovered rifle and rounds were given to him by Amarjit Singh @ Bittu at the instance of Kulwinder Singh alias Kinda. Accordingly, the petitioner was nominated in the present case.

When the petitioner sought the concession of anticipatory bail, on 23.11.2022, the Additional Sessions Judge, Jalandhar asked him to join investigation within a period of 05 days. He, however, did not do so and thereafter, the anticipatory bail petition came to be dismissed vide order dated 30.11.2022 (Annexure P-3).

3. The learned counsel for the petitioner contends that the petitioner was unable to join investigation due to being busy in a family function. He contends that he has been named on the basis of a disclosure statement of his co-accused, which was inadmissible in evidence. He, therefore contends that he deserves the concession of anticipatory bail.

4. A short reply dated 17.01.2023 has been filed on behalf of the respondent-State by the learned State counsel by way of an affidavit of Jagdish Raj, PPS, Deputy Superintendent of Police, Sub Division Phillaur, District Jalandhar and the same is taken on record. He contends that the

recovery of a rifle, a magazine and 7 live rounds as well as the Bolero Pick-up car bearing No.PB-08-EY-0164 has been effected from Harbhajan Singh. During the course of investigation, Harbhajan Singh disclosed that he had brought the above-said rifle and ammunition from one Amarjit Singh @ Bittu on the asking of the petitioner. He, further disclosed that when the police arrested him, then Kulwinder Singh @ Kinda and Harpreet Singh were present along with him at the alleged spot and were doing Recce as they had planned to commit an offence. He contends that in view of the investigation conducted so far, the conduct of the petitioner in not joining investigation and his criminal antecedents disclosing his complicity in five other FIRs, the petitioner did not deserve the concession of anticipatory bail.

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

6. Admittedly, the petitioner was granted interim anticipatory bail and asked to join investigation. However, for reasons best known to him, he did not do so and therefore his bail petition came to be dismissed. In this Court, the contention of the petitioner is that he was busy in a family function. Not only is the explanation furnished completely lame but shows that conduct of the petitioner has scant regard for the Courts and the Investigating Agency. Further, a perusal of the State reply would reveal that he is an accused in as many as five other cases. This includes a conviction in one and one case under the NDPS Act. Therefore, the antecedents of the petitioner as also his conduct do not entitle him to the grant of anticipatory bail. Even otherwise his custodial interrogation is necessary to take the investigation to the logical conclusion.

7. In view of the above, I find no merit in the present petition.
Therefore, the same is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

17.01.2023

JITESH

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