

SANDEEP SINGH... Petitioner

Versus

STATE OF PUNJAB... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. G.P.S. Ghuman Advocate
for the petitioner.
Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
0005	09.01.2024	13/3/61 of the Punjab Gambling Act,1867 and Section 25 of Arms Act	Jamalpur, District Police Commissionerate Ludhiana

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case by falsely proclaiming that the petitioner is indulging in gambling. He submits that the petitioner was arrested by the Police on 09.01.2024 and recovery of two pistols have been planted on him. He further submits that the police has also taken into possession the vehicles parked in his house which infact belong to his brother who is working as a car dealer (Annexure P-2). The

police has not verified the ownership thereof, nor there is any complaint from owners of the vehicles but the same has been planted on the basis of alleged disclosure statement of petitioner himself taken in police custody under threat. He further submits that although the investigating officer was aware of the ownership of the vehicle on 10.01.2024, but till date the statement of the owners of the vehicle have not been recorded. He contends that the petitioner is in custody since 09.01.2024 and it will take time for the conclusion of trial in the present case triable by the Court of Magistrate, as such he prays for grant of concession of bail to the petitioner.

3. On the other hand, on instructions from ASI Rajesh, learned counsel for the State submits that the petitioner was found in possession of gambling amount and two country made pistols, as such, he does not deserve concession of bail. He submits that although the petitioner is having other case registered against him but he is on bail therein.

4. After considering the rival contentions and going through the record, it is observed that the petitioner has been apprehended on the basis of secret information that he is indulging in gambling and allegedly has been apprehended by the police party headed by ASI Rajesh at naka bandi while travelling in car and from his possession ₹4,56,000/- in cash was recovered which the prosecution alleges to be the gambling amount along with two country made pistols. There is nothing on record that this amount was in any manner connected with any gambling activity, moreover on the basis of disclosure statement of the petitioner, police has recovered two cars from his premises claiming the same to be connected with gambling activity but strangely, despite the investigating officer being aware of the names of the

owners of the vehicles, he has not even tried to get them to join the investigation till date. It is apt to mention here that the petitioner has annexed the registration certificate (Annexure P-2) showing his real brother dealing with cars and claims that those cars were meant for resale by his brother as he is in car dealing business. It is debatable as to whether the petitioner was indulging in gambling activity or not. The recovery has already been effected. The petitioner is in custody since 09.01.2024, criminal liability, if any, of the petitioner would be determined after conclusion of trial in a case which is triable by the Court of Magistrate, which will take sufficient long time and no purpose would be served by keeping behind bars any longer.

5. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

28.02.2024

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i) Whether speaking/reasoned?
ii) Whether reportable?

Yes/No
Yes/No