



CRM-M-9439-2024

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

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CRM-M-9439-2024
Date of Decision : **August 28, 2024**

SUKHDEV SINGH ALIAS BABA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

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CRM-M-22186-2024

KARAMJIT SINGH ALIAS GOLDY

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Ashish Aggarwal, Advocate
for the petitioner in CRM-M-9439-2024.

Mr. Lupil Gupta, Advocate with
Mr. Simranjit Singh, Advocate and
Mr. Nitin Goswami, Advocate
for the petitioner in CRM-M-22186-2024.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)



1. Both the above mentioned petitions are amenable to be decided together as common relief of regular bail has been sought and, therefore, they are being taken up together for disposal.
2. Through the instant petitions filed under Section 439 Cr.P.C. the petitioners pray for grant of regular bail in case FIR No.146 dated 2.12.2023, Under Section 25 of the Arms Act, under Sections 10, 11, 12 of the Aircraft Act, 1934 (Section 21(B), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 added later on), registered at Police Station Khalra, District Tarn Taran.
3. The instant FIR has been registered on a complaint made by Inspector Parveen Kumar, Officiating Company Commander, BOP, Khalra Barrier 71 Bn, BSF, wherein, it was stated that during search operation, at about 020905 hrs, a reliable source informed search party that two packets wrapped in yellow coloured adhesive tape, tied with hook were lying in the ground of Government Senior Secondary School for boys, Khalra. Consequently, search party rushed to the disclosed location and recovered two pistols from the school ground. Inspector Balwinder Singh, SHO Police Station Khalra had also participated in the search operation. CCTV footage in the Camera of the school was also checked and movement of one suspected person was detected. The recovered pistol were Glock, GES. M.B.H. made in Austria and one of the pistol was s broken.
4. During investigation, two persons i.e. present petitioners, namely, Sukhdev Singh @ Baba and Karamjit Singh @ Goldy were found involved in the instant crime and they were arrested on dated 11.12.2023 and



on their disclosure statements, recovery of 55 grams of Heroin and 70 grams of Heroin respectively was effected.

5. Learned counsel for the petitioner(s), in the asking for the relief (supra) submit that the recoveries effected from the present petitioner(s), even if taken collectively, fall within the ambit of non-commercial quantity. They further submit that so far as the recovery of pistol, which is alleged to have been thrown by Drone, is concerned, has no connection with the present petitioner. There is no inculpatory evidence to connect the present petitioner with the alleged pistol.

6. The learned State counsel, on the other hand, has filed the custody certificates *qua* the petitioners, as well as short reply dated 24.8.2024 by way of affidavit of Sarabjit Singh, PPS, Deputy Superintendent of Police, Sub-Division Valtaha Camp at Bhikhiwind, District Tarn Taran, today in Court, the same are taken on record. The custody certificates reflect that both the petitioners have suffered incarceration of 8 months and 12 days respectively as on today. The custody certificate of Sukhdev Singh @ Tharu reflects that he is involved in five more cases, out of which four are under the NDPS Act and one case is under Section 302 IPC. He further submits on instructions imparted to him by ASI Hari Singh that the charges in the instant case have been framed on dated 2.4.2024 and out of total 18 cited witnesses by the prosecution in the final report, and none has been examined so far.

7. Nonetheless, since the recovery in the instant case is of non-commercial quantity and the petitioners have suffered incarceration of 8 months and 12 days respectively as on today, and the trial is yet to begin, this



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Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

8. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

9. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

August 28, 2024
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(KULDEEP TIWARI)
JUDGE

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