



231 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-18111-2024
Date of decision: 5th July, 2024

Hemant Malhotra
...Petitioner(s)
Versus
State of Punjab
...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. B.S. Maan, Advocate for the petitioner.
Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in the FIR mentioned below:-

FIR No.	Date	Police Station	Sections
78	05.09.2023	Sadar Chhajali, District Sangrur	25(7)(i) of Arms Act, 1959 (for short 'the Act')

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the allegations that on 05.09.2023, a police party headed by SI Prateek Jindal received a secret information that the accused Baljinder Singh @ Rock @ Rohit and Karan Sharma used to bring illegal arms from Madhya Pradesh and supply the same to the network of gangsters at Punjab which was mainly



operated by present petitioner and co-accused Rajiv Kaushal @ Gugloo (Gugloo who was at that time confined in jail) and even on that day, they had brought illegal weapons from Madhya Pradesh by coming in a bus and were standing at the end of bridge leading from village Mehlan to Sangrur side and if raided immediately, they could be apprehended with huge quantity of illicit weapons. Believing the secret information to be true, a raiding party was immediately formed which reached at the informed place and found two persons while standing at Mehlan bridge with a bag on shoulders of one of them. On seeing the police officials, they tried to flee by throwing the bag but were apprehended. On asking they disclosed their names and particulars. On checking the bag, 21 pistols with magazines of different colors, different sizes but without number and marka were recovered from the bag. Usual formalities were done and the pistols were taken into custody. The accused Baljinder Singh and Karan Sharma were arrested. During the course of investigation, they suffered disclosure statements admitting their involvement in the crime by saying that they had gone to Madhya Pradesh at the instructions of the petitioner and the co-accused and received weapons from one Guddu Barela who was also nominated as an accused. The petitioner was arrested on 05.09.2023. He too suffered disclosure statement admitting his involvement in this case. The co-accused Guddu Barela and Rajiv Kaushal were subsequently arrested. Investigation has since been completed. The petitioner had filed an application for grant of bail before the Court of learned Additional Sessions



Judge, Sangrur, which was dismissed vide order dated 11.01.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. Neither he was apprehended from the spot nor any recovery was effected from him. He has nominated as accused on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He is in custody since 05.09.2023. His custodial interrogation is no more required. His detention would not serve any useful purpose. Therefore, it is argued that he deserves to be extended benefit of bail.

4. Status report has been filed by respondent-State, as per which, the call detail record of mobile phones of the petitioner as well as co-accused Baljinder Singh, Karan Sharma and Guddu Barela for the day of occurrence qua 05.09.2023 had been collected and it was revealed that the present petitioner had made as many as twenty-three calls to the accused Karan Sharma and accused Baljinder Singh @ Rok had made fifty-one calls to petitioner and accused Karan Sharma had made seventeen calls to the petitioner. 158 calls were found to have been exchanged between the accused persons on 05.09.2023 itself. It is argued that the petitioner and co-accused were in active contact with each other and the investigation had revealed that the petitioner and co-accused Rajiv Kaushal had sent the accused Baljinder Singh and Karan Sharma to Madhya Pradesh for bringing weapons. Even two SMS were sent to accused Guddu Barela by Baljinder Singh apart from making calls to him. The allegations against the petitioner



are serious in nature as he is involved in the business of providing illicit weapons to gangsters in the State of Punjab. There is nothing on record to show that there would be any undue delay in conclusion of the trial. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The complainant along with co-accused is booked for commission of offence punishable under Section 25(7)(i) of Arms Act, 1959 on the allegations that he had been running an organized crimes syndicate alongwith the co-accused and had been procuring illegal weapons from Madhya Pradesh with the help of the co-accused and was engaged in supplying the same to the gangsters of Punjab. No doubt, no recovery has been effected from him but only that cannot be stated to be a ground for extending benefit of bail to the petitioner since as per the allegations heavy recovery of illegal weapons was effected from the co-accused who had brought the same from Madhya Pradesh on the behest of the petitioner. The allegations against the petitioner are quite serious in nature. There is nothing on record to show that there would be any undue delay in conclusion of the trial. Keeping in view the gravity of the offences alleged to have been committed by the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered



opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

7. Since the main petition has been dismissed, pending application, if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

5th July, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |