



CRM-M-20173-2024

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(211)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20173-2024
Date of Decision: 08.08.2024

SUKHMANDER SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CRM-M-20462-2024

AMANDEEP SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rajeshwar Singh, Advocate
for the petitioners.

Ms. Ramta K Choudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

This order shall dispose of two petitions bearing No.CRM-M-20173-2024 titled as Sukhmander Singh versus State of Punjab and CRM-M-20462-2024 titled as Amandeep Singh Versus State of Punjab as the same are arising out of the same FIR. However, for the sake of convenience the facts have been taken from CRM-M-20173-2024.

2. The prayer in the present petitions under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.07 dated 23.01.2024



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registered under Sections 25/54/59 of Arms Act and Sections 109/115/120/120-B IPC at Police Station State Special Operation Cell, Amritsar (Sadar Tarn Taran).

3. The present FIR came to be registered at the instance of SI Bhupinder Singh and the same reads as under:-

“To SHO Sahib. Police Station-State Special Operation Cell, Amritsar. Jai Hind. Today, I, ASI along with SI Paramjit Singh 563/ASR, ASI Babu Lal 3893/PAP, ASI Deepak Kumar 5/604, ASI Satnam Singh 5/115, CT Simrandeep Singh 5/710, CT Manjit Singh 7/266 and Sepoy Nirmaljit Singh 9/434 were present in Government vehicle along with our laptop, printer on the Tarn Taran-Amritsar Highway near Adda Village Safipur District Tarn Taran. At that time an informer came and gave the information that anti National element Gurpreet Singh @ Gopi Brar resident of Rajpura, Police Station Rajpura, District Patiala at present is living in Germany, who also wants to revive the terrorism in Punjab and for this purpose he has provided the illegal arms and ammunition to his two accomplices; namely, Sukhmander Singh son of Bhallu Singh resident of Pakka Sadar, District Faridkot and Amandeep Singh son of Shri Manjit Singh resident of Canal Colony, Talwandi Nipalan, Police Station Makhu, District Ferozepur. The informer also informed that Sukhmander Singh and Amandeep Singh at the instance of their handler Gurpreet Singh who is sitting in foreign country with the intention to commit some big offence are coming towards Adda Rasulpur Nehri with their respective illegal arms and ammunition on their motorcycle make Splendor without number black colour. If a raid is conducted without any delay in the area, then, the aforesaid Sukhmander Singh and Amandeep Singh can be



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apprehended along with huge illegal arms and ammunition and as a result of the same, some big mishappening can be stopped. Since the aforesaid information was found to be correct and believable and after receiving the secret information, I, ASI brought this fact to the notice of Senior Officers and after getting permission from the higher officers I, ASI, on the secret information sent a ruqa to the Police Station to register an FIR against Gopi Brar, Sukhmander Singh and Amandeep Singh for the offences under Section 25 of the Arms Act and under Sections 109, 115, 120 and 120-B IPC through Constable Simranjit Singh No.5/710. After registering the FIR, FIR number be got intimated to the Investigating Officer and after preparing the Special Report be sent to the officers and the intimation be sent to the Control Room on telephone. I, ASI, along with other officers in the Government vehicle along with our laptop and printer have departed as per the information in the area of Tarn Taran Amritsar Bypass Highway, Crossing of Village Bagaria, District Tarn Taran. Time 3:30 P.M. Sd/- SI Bhupinder Singh 2958/Int., Counter Intelligence, Amritsar. Dated 23.01.2024.”.

4. The petitioner-Sukhmander Singh (CRM-M-20173-2024) was arrested and found in possession of one 9mm bore pistol and five live cartridges and petitioner-Amandeep Singh (CRM-M-20462-2024) was arrested and found in possession of one 30 bore pistol and five live cartridges.

5. The learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case. The recovery had been planted upon them. There was no independent eye-witness that had

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been examined during the course of effecting the alleged recovery. As the petitioners were in custody since 23.01.2024 but only 03 of the 13 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, they were entitled to the concession of bail.

6. A short reply dated 05.08.2024 by way of an affidavit of Balbir Singh, PPS, Deputy Superintendent of Police Counter Intelligence, Amritsar has been filed in CRM-M-20462-2024 on behalf of the State by the learned counsel for the State. The same is taken on record. She contends that the nature of the allegations levelled against the petitioners of them being involved with gangsters did not entitle them to the grant of bail. She, however, concedes that the petitioners were in custody since 23.01.2024 and that only 03 of the 13 prosecution witnesses had been examined so far.

7. I have heard the learned counsel for the petitioners.

8. The veracity of the prosecution case against the petitioners and their co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioners are in custody since 23.01.2024 but only 03 of the 13 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioners is not required.

9. Thus without commenting on the merits of the case, the present petitions are allowed and the petitioners are ordered to be released on bail on

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their furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petitioners shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that they are not involved in any other crime other than the present case.

11. In addition, the petitioners (or anyone on their behalf) shall prepare an FDR in the sum of Rs.50,000/- each and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioners from trial without sufficient cause.

12. The petitions stand disposed of.

(JASJIT SINGH BEDI)
JUDGE

08.08.2024

JITESH

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