

CRM-M-21235-20241

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-21235-2024

Date of decision : October 14, 2024

Jatinder Singh @ Jindi.....Petitioner

Versus

State of Punjab.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. SPS Sidhu, Advocate and
Ms. Vini Rana, Advocate, for the petitioner
Mr. Sahil R. Bakshi, AAG, Punjab

KULDEEP TIWARI,J. (ORAL)

1. Through the instant petition filed under Section 439 Cr.P.C., the petitioner prays for grant of regular bail in case FIR No. 180 dated 29.7.2023, under Section 25 of the Arms Act, 1959, registered at Police Station Jamalpur, District Police Commissionerate, Ludhiana.
2. On a secret information, the instant FIR was registered on the allegations that the petitioner, who is involved in a number of criminal cases, is keeping the illegal arms, and he used to supply the same to the members of his organization for committing some big offence. On the basis of the said secret information, the petitioner was arrested on dated 29.7.2023, and the following recovery was effected:-

(i)	three pistol of .30 bore country made along with 25 live cartridges of .30 bore
(ii)	one pistol .32 bore country made along with five live cartridges .32 bore and three magazines of .30 bore
(iii)	one bag pack was recovered from the petitioner.



3. Thereupon, during investigation, the petitioner suffered another disclosure statement under Section 27 of Evidence Act on 31.7.2023, and further got recovered the following arms:-

(i)	two country made .32 bore pistols along with nine live cartridges of .30 bore
(ii)	one country made 315 bore pistol along with four 315 live cartridges

4. Learned counsel for the petitioner submits that though the petitioner is involved in number of other cases, but he is on bail, in all those cases. He further submits that as per the record, the petitioner is stated to be involved in 10 cases, out of these 10 cases, in 4 cases he is on bail, in 3 cases, he has earned acquittal and in 3 cases he is on production warrants. He also submits that in fact this case is of false plantation of the arms, and the veracity of the allegations is yet to be decided by the learned trial Court concerned. He in addition submits that the petitioner has suffered incarceration of more than one year as on today, and the trial is yet to begin.

5. The learned State counsel, on the other hand, while opposing the grant of regular bail to the petitioner, has placed on record custody certificate, today in the Court and submits that the petitioner is a known gangster, and to commit a fresh offence, he has collected all these illegal weapons. While referring to the antecedents, he further submits that the petitioner does not deserve the grant of regular bail. Finally, he submits that the final report has already been filed, and the charges have been framed against the petitioner, and no prosecution witness has been



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examined till date, whereas a total 10 witnesses have been cited by the prosecution in the final report.

6. Be that as it may, this Court has considered the allegations against the present petitioner and has heard the submissions made by the learned counsel for the parties concerned and considering the custody certificate, that the petitioner has suffered incarceration of 1 year 2 months and 10 days, as on today. In other cases, in which the petitioner is involved, he is already on bail or has been acquitted. The recording of the prosecution evidence is yet to begin. In the instant case, all the material witnesses are officials, therefore, there is no apprehension that the petitioner can influence any prosecution witness.

7. In view of the facts and circumstances recorded above, this Court deems it 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.

October 14, 2024

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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned ? Yes/No
Whether Reportable ? Yes/No