



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-23040-2024(O&M)

Date of Decision:-29.08.2024

Kulwinder Singh @ Kala.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ramnish Puri, Advocate for the Petitioner.

Mr. Prabhdeep Singh Dhaliwal, Assistant Advocate General,
Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.11 dated 05.02.2024 under Sections 25, 27 [25(6)(7)(8) added later on vide rapat no.32 dated 07.02.2024] of Arms Act, 1959 registered at Police Station State Special Operation Cell (SSOC), Amritsar.

2. The present FIR came to be registered at the instance of Inspector Gursharan Singh and reads as under:-

“ SHO, Police Station S.S.O.C. Amritsar, Jai Hind, Today I INSP along fellow companion SI Pawan Kumar No. 1114/ASR-R, ASI Balbir Singh No. 2311/2311/ASR, ASI Sukhdeep Singh 5/52, ASI Yadwinder Singh No. 887/TTN, S/CT Gurinder Singh No. 1405/KPT, S/Ct Tajinder Singh No. 1970/ASR-R, CT Avtar Singh No. 2422/INT, CT Parambir Singh No. 2414/INT, CT Sahil No. 1484/ASR-R and CT Malkeet Singh No. 1914/ASR-R on government vehicle Mahindra Balero Bearing N. PB02-CR-2675, whose driver is S/CT Amrinderpal



Singh No. 4-C/286, Government vehicle Swift Dzire Bearing No. PB65-AA-9452, whose driver is S/CT Lakhbir Singh No. 3772/ASR and private vehicles were present at round-about Mannawala District Amritsar in relation to search of accused in FIR No. 04 Date 16.01.2024 offence 399, 402 IPC; 25, 25 (6, 7, 8) Arms Act S.S.O.C. Amritsar. That secret informer gave tip that 1) Jobanjeet Singh son of Sawran Singh resident of Maliyan Police Station City Tarn Taran District Tarn Taran; 2) Bikramjeet Singh son of Bhangwant Singh R/o Sarali Kalan, P.S Sarali, Distt. Tarn Taran. 3) Kulwinder Singh alias Kala son of Malkeet Singh resident of Gadhiwind Police Station Chohala Sahib District Tarn Taran were residents of afore said addresses. They were having links with dangerous gangsters and at their instance, they had committed many occurrences. Previously also, cases pertaining to attempt to murder and snatching got registered against them and in some cases, they were declared as Proclaimed Offender. That today with the intention to commit a criminal incident having heavy ammunition along Swift Car bearing no. PB02-DZ-3999 were coming from Tarn Taran side to Amritsar. The information is credible and trust-worthy. If the barricading is done strategically, then they can be arrested and from them illegal arms and ammunition could be recovered and might prevent the occurrence of any huge incident. From the perusal of information, offence under 25, 27, 54, 59 Arms Act are being made out, that for registration of FIR, written manually sent through CT Avtar Singh No. 2422/INT to Police Station. After registration of FIR, the number kindly be intimated. Special Reports kindly be sent to Area Magistrate and Higher Officials. Investigation bag laptop & printer and other essential items are with me in the vehicle. I along with fellow companion is busy in barricading and conducting investigation. In the Area: round-about Mannawala District. Amritsar, Time 07:40 PM SD/- INSP Gursharan Singh No. 104/INT, A.G.T.F. T Amritsar. Date 05.02.2024."

3. Pursuant to the registration of the FIR Jobanjit Singh, Bikramjit Singh and Kulwinder Singh @ Kala (petitioner) were arrested. Jobanjit Singh got recovered one .32 bore pistol along with 05 live cartridges .32 bore and Bikramjit Singh got recovered one .32 bore pistol along within 05 live cartridges .32 bore.



During the course of investigation Sections 25(6)(7)(8) Arms Act, 1959 were added and one more accused namely Amritpal Singh was nominated as an accused. It was found that the recovered Swift bearing no.PB-02DZ-3999 was registered in the name of Baldev Singh.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. No recovery has of any weapon has been effected from him. Even as per the prosecution version though the petitioner was an accused in 02 cases arising out of FIR No.101/2021 under Sections 307, 457, 380, 506, 148, 149 IPC, Sections 25 of the Arms Act, P.S. City Patti, Tarn Taran and FIR No.75/2022 under Sections 386, 387, 388, 389, 120-B IPC, Sections 25(6)(7) Arms Act, 21, 29 NDPS Act, P.S. Harike, Tarn Taran, the first case bearing FIR No.101 of 2021 was quashed on the basis of compromise vide order dated 20.12.2022 passed in CRM-M-57695-2022. As the petitioner was in custody since 05.02.2024 but none of the 11 Pws had been examined so far, the trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. The Counsel for the State on the other hand has filed reply by way of affidavit dated 17.07.2024 of Mr. Sukhwinder Kumar, PPS, Deputy Superintendent of Police, Anti Gangster Task Force, Amritsar, Punjab in the court today, which is taken on record. While referring to the said reply he contends that the petitioner was a part of gang who had connection with other gangsters. Merely because no recovery had been effected from him was no sufficient to grant him the concession of bail. He however, concedes that the petitioner was in custody since 05.02.2024 and that none of the 11 Pws had been examined so far.

5. I have heard the learned counsel for the parties.



6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 05.02.2024 but none of the 11 Pws 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 petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Kulwinder Singh @ Kala** son of Sh. Malkit Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner 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 he is not involved in any other crime other than the cases mentioned in the State reply.

10. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- 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 petitioner from trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 29, 2024
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No