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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-25942-2024(O&M)
Date of decision:-11.09.2024

LAKHWINDER SINGH ALIAS LUCKY

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Gaurav Datta, Advocate for the petitioner.

Mr. Ankit Grewal, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

CRM-30628-2024

1. The instant application under Section 528 of Bhartiya Nagarik Suraksha Sanhita (BNSS) is for placing on record copy of challan dated 20.05.2024 in FIR No.8 dated 15.03.2024 as Annexure P-5.

2. Application is allowed as prayed for, subject all just exceptions, photo-copy of challan dated 20.05.2024 is taken on record as Annexure P-5.

CRM-33116-2024

1. The instant application under Section 528 of Bhartiya Nagarik Suraksha Sanhita (BNSS) is for placing on record copy of tower location of petitioner's mobile phone as well as Investigating Officer as Annexure P-6 and P-7.

2. Application is allowed as prayed for, subject all just exceptions, copy of tower location of petitioner's mobile phone as well as Investigating Officer are taken on record as Annexure P-6 and P-7



Main case

1. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case :-

FIR No.	Dated	Sections	Police Station
08	15.03.2024	120-B IPC and Section 25(6)(7) of Arms Act	Punjab State Crime, SAS Nagar, Mohali

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the present case on the allegations that he was supplying the weapons to gangsters. He contends that petitioner in fact is a cab driver as is evident from Annexure P-2 and had been engaged by the co-accused for driving purpose when in the meanwhile police apprehended the petitioner along with co-accused on 15.03.2024. He contends that no recovery has been effected from the petitioner and even challan has already been presented in Court. The petitioner is not having any criminal antecedents as such he prays for grant of bail to the petitioner.

3. Per contra, learned State counsel referring to the reply submitted by the State and on instructions from SI Kamalpreet Singh, IO of the case, contend that the petitioner had been actively involved in supplying the weapons to the anti social elements and some weapons and cartridges were recovered from the co-accused, however they admitted that no recovery of any weapon or other contraband has been effected from the petitioner except for the recovery of his car on the basis of his disclosure statement.

4. After considering the rival contentions and perusing the record it transpires that petitioner was apprehended by the police along with co-



accused Ankit alias Laddu and Ajay Singh on 15.03.2024 and from the possession of co-accused the recovery of weapons and cartridges were effected, however no weapon or objectionable thing was recovered from the petitioner as is specifically mentioned in the reply filed by the State wherein it is further mentioned that the petitioner is not having any criminal antecedents. The petitioner has specifically been mentioned as cab driver as per (Annesxure P-2) and was gone to drop these persons when nabbed by the police . The petitioner is in custody sicne 15.03.2024, challan has already been presented in Court and no recovery has been effected from the petitioner. As stated above, petitioner is not involved in any other criminal case, the conclusion of trial to ascertain criminal liability, if any, of the petitioner in the present case, will take sufficient long time.

5. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping the petitioner behind bars any longer. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of the learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

11.09.2024

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |