

Neutral Citation No.2024:PHHC:017388

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28447 of 2023
Reserved on:05.02.2024
Pronounced on: 07.02.2024

Gurjant Singh

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Gaurav Dutta, Advocate and Mr. Gurkirat Singh,
Advocate for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

DEEPAK GUPTA, J.

By way of present petition filed under Section 438 Cr.P.C.,
petitioner prays for grant of anticipatory bail in case FIR No.72 dated
11.04.2023 under Sections 25(1-A), 25(1-AA), 48 of Arms Amendment Act,
2019 (Arms Act, 1959) registered at Police Station Raipur Rani, District
Panchkula.

2.1 As per the status report filed by respondents by way of affidavit
dated 01.08.2023 of Shri Surender Singh, HPS, Assistant Commissioner of
Police, Headquarter Panchkula, a police party of Crime Branch, Sector-26,
Panchkula, received secret information on 11.04.2023 to the effect that two
young boys on a motor-cycle were trying to sell illegal weapons in the area
of Raipur Rani near Peer Baba Link Road. Raid was conducted. The two
boys were apprehended, who disclosed their names as **Sahil** son of Dilsher
Singh; and **Ravi Raj** son of Chandi Ram. Search of Ravi Raj resulted in
recovery of two country-made pistols of .32 bore loaded with two rounds

each from pocket of his jeans. Search of backpack carried by Sahil, resulted in recovery of four country-made pistols of .32 bore besides one country-made pistol of .315 bore, loaded with cartridges. Said Sahil and Ravi Raj could not produce any licence to keep the recovered weapons and cartridges and so, FIR was registered.

2.2 During investigation, both of them were interrogated. It was disclosed by Sahil that in the month of February, 2023, he along with **Gurjant Singh** (*present petitioner*) had gone to Buhranpur (MP) and they had purchased eight country-made pistols, out of which four pistols and 15 rounds were given by petitioner to Satbir Gujjar; whereas four illegal weapons were in his (Sahil's) possession. Sahil disclosed further that later, in March, 2023, he along with Ravi Raj again went to Buhranpur and they purchased eight illegal weapons, when they were apprehended by the Police. He disclosed that six illegal weapons along with nine live rounds and one desi katta were recovered from them by the police, whereas he had given two country-made pistols and 10 live rounds to the present petitioner (Gurjant Singh) without any money. They also disclosed to have sold three country-made pistols and four rounds to another co-accused Jeetu @ Harsh for ₹1,31,000/-. Search of main supplier Dev Raj Bhai through co-accused Sahil was made in Buhranpur (MP) but later on Sahil disclosed in subsequent disclosure statement that actual name of main supplier was Gurcharan Singh.

3. It was contended on behalf of the petitioner before this court on 1.6.2023 that he being in the Indian Army, serving the nation for the last so many years, had been falsely implicated, when he had come to Derabassi to meet his old parents. Still further, it was contended that the petitioner is neither named in the FIR nor any recovery was effected from him and that he had already joined the

investigation, as per the orders of learned Sessions Judge, Panchkula and was still ready to join further investigation.

4. Vide order dated 01.06.2023, petitioner was allowed ad interim bail to the satisfaction of Arresting Officer but in the meantime, he was directed to join the investigation.

5. The status report reveals that though the petitioner joined the investigation but did not co-operate in the same and it is because of this reason that his earlier petition for anticipatory bail was rejected by Sessions Judge, Panchkula. Learned State Counsel also pointed out towards the disclosure statement of co-accused Sahil, as per which petitioner along with him had gone to Buhranpur (MP), from where they had purchased the illegal weapons.

6. Vide order dated 02.08.2023, this Court directed the State to place on record any evidence collected during investigation in order to show connection between the petitioner and the co-accused, on whose disclosure statement, petitioner had been nominated.

7.1 In compliance of the afore-said order, additional affidavit dated 25.09.2023 of Shri Surender Singh, HPS, Assistant Commissioner of Police, Zone-III, Panchkula has been filed along with the relevant documents. As per this affidavit, the evidence collected during investigation directly connects the petitioner to the crime with the co-accused. It is submitted that Satbir Singh alias Satbir Gujjar is an infamous gangster of Lawrence Bishnoi Gang involved in around nine criminal cases and that the petitioner is involved in supplying illegal weapons to the said gangster and other persons and so, his custodial interrogation is very necessary to know the source of supplier.

7.2 In the affidavit, reference is also made to the disclosure statements

made by co-accused Sahil and Ravi Raj, in which it was disclosed that petitioner along with Sahil had visited Buhranpur (MP), where they had purchased eight country-made pistols and that the petitioner had supplied four illegal weapons to Satbir Gujjar, the famous gangster.

7.3 The affidavit further states that Satbir Singh alias Satbir Gujjar was arrested on 11.04.2023 and during investigation, he suffered disclosure statement, wherein he also confirmed that he had been supplied the illegal weapons on receipt of 01.60 lakhs by the petitioner on 12.02.2023 besides 20 live cartridges. Not only this, the affidavit further refers about the call detail records of the mobile being used by the petitioner and the co-accused Sahil and Satbir @ Satbir Gujjar, which established the exchange of regular calls amongst them. All those call detail records have been placed on record along with additional affidavit.

7.4 On the basis of the afore-said additional information supplied by the respondents, learned State Counsel has prayed for rejecting the bail petition submitting that custodial interrogation of the petitioner is very necessary.

8. On the other hand, learned counsel for the petitioner submits that the recovery has already been effected and that the petitioner has already joined the investigation and so, the interim anticipatory bail earlier allowed to him, be made absolute.

9. After considering submissions of both the sides and after going through the detailed reply filed by the respondent- State along with the additional reply, this Court is not inclined to confirm the anticipatory bail to the petitioner, as his custodial interrogation appears to be very necessary in order to unearth the entire truth and to know the supplier/ source of the weapons and so as to break the entire chain of supply of the illegal weapons and also to find out the other culprits

involved in the crime. Unless and until, umbrella of protection of interim anticipatory bail is not removed, mere joining of further investigation by the petitioner, may not take the investigating agency to the bottom of the matter.

10. Consequently, without commenting anything further on the merits of the case, the present petition is hereby dismissed.

February 07, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No