



226 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-33684-2024
Date of decision: 22nd July, 2024

Karan Sharma

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. A.S. Kang, Advocate for the petitioner.

Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in the FIR mentioned below:-

FIR No.	Date	Police Station	Sections
78	05.09.2023	Chhajali, District Sangrur	25(7)(i) of Arms Act, 1959

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 05.09.2023 on receipt of a secret information to the effect that the present petitioner and co-accused Baljinder @ Rock @ Rohit were engaged in the business of bringing illegal weapons from Madhya Pradesh and supplying the same to the network of gangsters run by two persons namely Hemant Malhotra and Rajiv Kaushal, who were confined in jail at that time and on the same very day, they had brought huge quantity of



illegal weapons from Madhya Pradesh through a bus and at that time were standing on the road going towards Sangrur side near Mehla bridge. On being informed that they could be apprehended with the huge quantity of arms, a raiding party was immediately formed by the police which rushed towards the spot and apprehended the present petitioner and co-accused who were standing there. The co-accused Baljinder was carrying a bag. On opening the same, 21 pistols of different colours and sizes without having any number or make along with magazines fitted with buttons were recovered from the said bag which were taken into custody. The petitioner and the co-accused were formally arrested. The investigation has since been completed. The petitioner had moved applications for grant of bail before the learned trial Court, which were dismissed.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is in custody since 05.09.2023. Challan has been presented. There are fourteen prosecution witnesses in the case, all of whom are to be examined. Recovery of the weapons was not effected from his conscious possession. The subject offence is triable by Magistrate. Trial is likely to take time. His further detention would not serve any useful purpose. As such, it is urged that he deserves to be extended benefit of bail.

4. *Per contra*, learned State counsel who has advance notice of the petition has submitted that he is ready to argue the case. It is submitted that the petitioner is member of an organized crime syndicate and is engaged in



the business of supplying illegal weapons to the gangsters in Punjab and this syndicate is run by the co-accused Hemant Malhotra and Rajiv Kaushal who are presently confined in jail. The allegations against him are quite serious in nature. Huge recovery of illegal weapons has been effected from the petitioner and co-accused. There are chances of petitioner's absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to be a member of an organized crime syndicate and is further alleged to have procured illegal weapon from Madhya Pradesh and as per the allegations, he along with the co-accused was apprehended while they were standing together and recovery of illegal arms and ammunition was effected from them. It cannot be stated at this stage that the petitioner had no connection with the alleged recovery. The allegations against the petitioner are serious in nature. There is nothing on record to suggest that there would be any undue delay in conclusion of the trial. The material witnesses are yet to be examined. Keeping in view the nature of the subject offence, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, but without meaning to make any comment on the merits thereof, I am of considered opinion that the petition does not deserve to be allowed at this stage. Hence,



the petition is dismissed.

7. Since the main petition has been dismissed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

22nd July, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |