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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M No.35834 of 2024
Date of Decision: 02.08.2024**

Kunal Mahajan @ Keshav Mahajan

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. L.M. Gulati, Advocate,
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner seeking benefit of regular bail in case arising out of FIR No.264 dated 28.11.2023 registered under Section 25 (8) of Arms Act, 1959 (For short "Act, 1959") (Section 29 of Act, 1959 and Section 120-B of IPC were added later on) at Police Station Maqboolpura, District Police Commissionerate Amritsar, on the allegations that on the same day, a police party headed by ASI Prem Singh was present at New Amritsar Gate, Amritsar in connection with patrolling duty when a secret information was received

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that Jaspreet Singh alias Jassi along with the co-accused Anmol Sharma and Sarthak who were engaged in the business of purchasing illicit weapons from Madhya Pradesh and sell the same to unscrupulous elements, were present at Gate Kot Mit Singh, Amritsar and could be apprehended if raided immediately. Believing the said information to be true, a raiding party was immediately formed which rushed towards the informed place and apprehended the above named accused with illegal weapons. During interrogation, the accused Jaspreet Singh suffered disclosure statement admitting his involvement in the subject crime and also named the petitioner as the person who used to give information to him about the source from whom weapons could be purchased. As such, the petitioner was also nominated as an accused. As he was already in custody in some other case, therefore, his presence was secured by way of production warrants and he was arrested in this case on 02.12.2023. Investigation has since been completed and challan has been presented. The petitioner had moved application for grant of regular bail which had been dismissed by the learned Additional Sessions Judge, Amritsar vide order dated 13.05.2024.

2. It is argued by learned counsel for the petitioner that he is in custody since 02.12.2023. The investigation has completed. Trial is likely to take time. No recovery is to be effected from him. He is nominated in this case on the basis of disclosure statement of co-accused which cannot be considered to be admissible in evidence. As such, it is urged that he deserves to be extended benefit of bail.

3. Learned State counsel who has advance notice of the petition

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has submitted that he is ready to argue the matter. He has vehemently opposed the prayer made by the petitioner by submitting that the petitioner along with the co-accused deals in the business of taking and supplying illicit weapons to gangsters. Ten pistols of .32 bore had been recovered from the co-accused and the same were purchased from the petitioner. The petitioner has criminal antecedents as he is involved in eight other cases. There are chances of his absconding if extended benefit of bail. Accordingly, it is urged that the petition does not deserve to be allowed.

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

5. The petitioner is alleged to be engaged in the business of procuring/purchasing illicit arms/weapons and selling the same. He is also alleged to have sold the same to the co-accused who are stated to be involved in illicit trafficking of firearms without licence or permission. No recovery has been effected from the petitioner. The details of the FIRs lodged against him have been given in Para No.15 of the petition which show that he is either on bail or discharged/acquitted in most of the cases registered against him. He is in custody since 02.12.2023. Trial is likely to take time. In my considered opinion, his further detention in custody would not serve any useful purpose. There is no basis for the contention that he may abscond. Keeping in view the discussion as made above but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petitioner deserves to be given concession of bail at this stage. Accordingly, the petition is allowed and the petitioner is

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ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

02.08.2024
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(MANISHA BATRA)
JUDGE

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