



CRM-M-36936-2024 and connected cases

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102 (I) CRM-M-36936-2024
Date of Decision : September 24, 2024

GURPREET SINGH ARORA -PETITIONER

V/S

STATE OF PUNJAB -RESPONDENT

(II) CRM-M-44530-2024

RAGHAV KAPOOR -PETITIONER

V/S

STATE OF PUNJAB -RESPONDENT

(III) CRM-M-44994-2024

SURAJ BHANDARI -PETITIONER

V/S

STATE OF PUNJAB -RESPONDENT

(IV) CRM-M-45240-2024

MANDEEP SINGH ALIAS MANNA -PETITIONER

V/S

STATE OF PUNJAB -RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Vikas Gupta, Advocate
for the petitioner (in CRM-M-36936-2024).

Mr. Naveen Kumar Mahajan, Advocate
for the petitioner (in CRM-M-44530-2024).

Mr. Munish Bhardwaj, Advocate
for the petitioner (in CRM-M-44994-2024).

Ms. Ravinder Kaur Manaise, Advocate
for the petitioner (in CRM-M-45240-2024).



Mr. Pardeep Bajaj, D.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. The amenability of all these petitions for being decided through a common verdict stems from them being arising out of a common FIR, besides stemming from common relief(s) being yearned therein.
2. To be precise, in all these petitions, the petitioners seek the concession of anticipatory bail, in case FIR No.80 dated 06.07.2024, under Sections 318(4), 336(2), 336(3), 340(2), 61(2) of the B.N.S., 2023, registered at P.S. Sadar Tarn Taran, District Tarn Taran.

GIST OF THE FIR

3. The genesis of the present FIR is embodied in a secret information appertaining to preparation of forged and fabricated documents, besides issuance of fake Arms Licences, by petitioners' co-accused Pawan-deep Singh @ Mantri, Shamsher Singh and Gurmeet Singh.
4. The relevant extract of the present FIR is reproduced hereunder:-

"...When police party while patrolling reached a little head from District Administration Complex, Tarn Taran (Pididi), the secret informer signaled the vehicle to stop with his hand and stopped the vehicle and informed myself SI that Pawandeep Singh @ Mantri S/o Tarsem Singh resident of Mallia, Samsher Singh S/o Sukhdev Singh resident of Jhandor, Gurmeet Singh S/o Milkha Singh resident of Faloke, at present Jodhpur, in connivance with each other have formed a gang which takes the innocent people into their fold, takes huge money and prepares fake documents and on the basis of fake documents without any investigation and verification made illegal arms license. By doing this, these persons are harming the interest of the Punjab Government and endangering the safety of the com-



mon people, and these weapons are procured on the basis of fake documents and by putting fake entries of the weapons, these weapons are being used in illegal activities. Due to which any misshaping can be occurred...."

SUBMISSIONS OF THE LEARNED COUNSELS FOR THE PETITIONERS

5. In his beseeching the relief of anticipatory bail for the petitioner- Gurpreet Singh Arora, the learned counsel representing him submits that, neither the petitioner has been named in the FIR, nor any role whatsoever has been assigned therein to him, rather he has been falsely roped therein, and that too, merely on the basis of disclosure statement of his co-accused, which does not carry any probative value. He further submits that even the status report filed by the respondent-State does not carry any incriminatory material against the petitioner, which would warrant him to face trial for the alleged offence(s).

6. Insofar as the petitioner- Raghav Kapoor is concerned, the arguments advanced by his counsel are cut from the same cloth as the petitioner- Gurpreet Singh Arora. Apart from reiterating those arguments, his counsel submits that the petitioner was/is working only as a Computer Operator and his duty was only to scan the documents. The petitioner did not have any authority to verify the veracity of the documents, therefore, he cannot be held responsible or guilty for the allegedly fake licences issued under the signatures of the competent authority concerned, which is the Deputy Commissioner. Concluding his arguments, he submits that, out of the total 52 fake licences, as became recovered from the mobiles of co-accused Shamsher Singh and Pawandeep Singh, only one licence of those licences was issued during tenure of the petitioner, inasmuch as, the peti-

**CRM-M-36936-2024 and connected cases****4**

tioner was transferred from E-Seva Kendra, Amritsar to E-Seva Kendra, Tarn Taran, only in June 2023.

7. The learned counsel representing the petitioner- Suraj Bhandari submits that, the petitioner was/is working as a Duty Manager, through an outsourcing agency, and, his duty was only to control and supervise the work of Computer Operators in the E-Seva Kendra concerned. The petitioner neither had any control or authority over the department issuing arms licences, nor he had any role in checking the veracity of the documents submitted for procuring arms licences, rather it was/is the duty of the competent authority concerned, i.e. Deputy Commissioner, to check the veracity thereof and then to issue and sign the arms licence.

8. Finally, the learned counsel representing the petitioner- Mandeep Singh @ Manna, apart from adopting the arguments advanced by her colleagues, submits that the petitioner is running a private photostat shop in the District Administrative Complex concerned and his name has surfaced in the third disclosure statement of his co-accused. Apart from disclosure statement, the investigating agency is not seized of any other incriminatory material against the petitioner.

SUBMISSIONS OF THE LEARNED STATE COUNSEL

9. The above made submissions of the learned counsels for the petitioners are vociferously opposed by the learned State counsel. By drawing attention of this Court towards the details of investigation, as disclosed in the status report(s) filed by the respondent-State, he submits that there is sufficient material on record, thus corroborating the allegations against the petitioners.

**CRM-M-36936-2024 and connected cases****5**

10. The learned State counsel also submits that, during investigation, money trail is also traced from the disclosure statement of petitioners' co-accused Shamsheer Singh, which connects the petitioners with the present crime. Lastly, he submits that, since District Tarn Taran is situated at a close proximity with Pakistan Border, therefore, the issuance of fake arms licences on the basis of forged documents is a serious national security issue.

CONCISE ANALYSIS OF THE STATUS REPORT(S) / DETAILS OF INVESTIGATION

11. Initially the present FIR was registered only against three accused, namely, Pawandeep Singh @ Mantri, Shamsheer Singh and Gurmeet Singh. However, upon interrogation of these accused, the role of the petitioners also came to the fore and they were accordingly nominated as accused in the present FIR.

12. The role(s), as became assigned to the petitioners in the disclosure statement(s) of accused (supra), is that, they were instrumental in preparation of fake arms licences, inasmuch as, by taking advantage of their posting in the Office of the Deputy Commissioner, they used to get issued forged arms licences, without any police inquiry, medical test or dope test. The relevant extract of the disclosure statement suffered by accused Pawandeep Singh @ Mantri is reproduced hereinafter:-

"...The contents of the disclosure statement are that, till date, I have got issued about 200 forged arms licenses without any inquiry, medical, training certificate etc. I am doing the said work since long. I have got issued the arms licensed by paying money to the employees working in the Arms License Branch of the Deputy Commissioner and Gurpreet Singh Arora Computer operator and to the other employees working at Saanjh Centre Tarn Taran, as I have



full hold and good relations in the offices of Kurwinder Singh alias Cheema and Karanbir Singh alias Karan and due to these relations/links, I came in contact with the aforesaid officials. About one and half year ago, the general public used to come to the office of Deputy Commissioner for getting issued the arms license. As there was long process of fulfilment of conditions, I approached the said persons and demanded Rs.01 Lakh to Rs.1.25 Lakh, out of which, I used to pay Rs.01 Lakh to Kurwinder Singh alias Cheema son of Hari Singh resident of Cheema. He called me at his residence in village Cheema and handed over copy of arm license to me. I also used to get issued arms license through Kurwinder Singh alias Cheema by paying money to Karanbir Singh alias Karan son of Balwinder Singh resident of Dayalpura and Gurpreet Singh Arora Computer operator, who facilitate me a copy of the arm license from Kurwinder Singh and in turn, I handed over the same to the customers. I have got issued more than 200 forged arms license from Kurwinder Singh alias Cheema, Karanbir Singh alias Karan and Gurpreet Singh Arora Computer operator without any police inquiry, medical, dope test. I had already paid an amount of Rs.1 Lakh each license to Kurwinder Singh alias Cheema, Karanbir Singh alias Karan and Gurpreet Singh Arora Computer operator regarding the aforesaid forged licenses. As Kurwinder Singh alias Cheema, Karanbir Singh alias Karan and Gurpreet Singh Arora they facilitate the issuance of forged arms licenses to me. Besides me, other persons also used to get issued forged arms licenses by directly contacting Kurwinder Singh alias Cheema, Karanbir Singh alias Karan and Gurpreet Singh Arora. I used to get received the money from the customers via google pay on my mobile No.75288-74416, Out of those licenses, some relate to the persons belonging to State Haryana and I have already got noted their nick names to you. Their complete particulars/record can be obtained from Manni alias Golu, resident of PandoriGola and Gurpreet Singh Arora...”

13. Moreover, during the course of investigation, the mobiles of accused Shamsher Singh and Pawandeep Singh @ Mantri were confiscated by the investigating agency and on examination thereof, 52 licences were

**CRM-M-36936-2024 and connected cases****7**

recovered therefrom, which were sent for verification to the office of Deputy Commissioner, Taran Taran. However, upon scrutiny by the office concerned, those licences were found to be fake/not on record/issued to outsiders/wrongly renewed/by changing bore etc., which resulted in formation of an S.I.T. for verifying the veracity of the remaining arms licences.

14. Since the offence(s) committed in the present case appertain to likelihood of breach of national security, inasmuch as, not only fake arms licences were issued by the accused in the District adjoining border area, rather arms were also procured therefrom for prima facie carrying forth illegal activities, therefore, the office of Deputy Commissioner concerned has formulated a committee for conducting a thorough departmental inquiry qua role(s) of the petitioner(s) and other government officials involved in issuance of such fake licences. The said committee comprises of the following officials/officers as its members:-

- (a) *Addl. Deputy Commissioner (General), Tarn Taran: Chairman*
- (b) *Superintendent of Police (Headquarter), Tarn Taran: Member*
- (c) *Superintendent (General), Grade-2, DC Office, Tarn Taran: Member*
- (d) *Senior Assistant, Administration Branch, Tarn Taran.*

FINAL ORDER

15. This Court has heard the submissions made by the learned counsels for the contesting litigants and also made a studied survey of the entire record. For the reasons to be assigned hereinafter, this Court does not deem it a fit and deserving case for granting the extraordinary relief of anticipatory bail to the petitioners.



16. The prime reason for forming the above inference generates from the hereinabove alluded to details of investigation, which covers the role(s) of the petitioners in commission of the present crime. *Prima facie*, the petitioners took undue advantage of their posting(s) in the Office of the Deputy Commissioner concerned and they were instrumental in preparation of forged and fabricated documents, besides issuance of fake arms licences.

17. It would also be apt to record here that, petitioners- Gurpreet Singh Arora and Mandeep Singh @ Manna were granted the relief of interim bail and were directed to join the investigation, however, the learned State counsel, on instructions imparted to him by A.S.I. Sukhwant Singh, informs this Court that, although these petitioners joined the investigation, however, neither they cooperated with the investigating officer, nor got recovered their respective mobiles and laptops, which constitute an essential piece of evidence to further dig out the guilt of the petitioners and other persons in the present crime.

18. It would also be worth mentioning here that, on account of similar allegations of issuance of fake arms licences becoming levelled against the petitioner- Suraj Bhandari, he has also been nominated as an accused in FIR bearing No.101 dated 11.06.2024, under Sections 417, 420, 177, 465, 467, 468, 471, 120-B of the IPC, registered at P.S. Gate Hakima, District Amritsar.

19. In summa, *prima facie* this Court is of the view that custodial interrogation of the petitioners is required, in order to:- (i) unearth the modus used by accused to issue fake arms licence, without following the due procedure; (ii) unearth the unholy nexus between the office of the au-



thority concerned and private individuals, as the purchase of arms and ammunition on the basis of fake licences may cause threat to national security.

FINAL ORDER

20. As an upshot of the discussion made hereinabove, this Court does not find any merit in the instant petitions and the same are **dismissed**.
21. However, anything observed hereinabove shall neither be construed to have any bearing on the outcome of the trial, nor the trial Court concerned shall be influenced by any of the observations recorded herein.
22. A photocopy of this order be placed on file of connected case.

September 24, 2024
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No