

CRM-M-38317-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38317-2024
Reserved on: 10.09.2024
Pronounced on: 26.09.2024

Mandeep Kumar alias Deepu ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. L.S. Mann, Advocate for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
32	11.04.2024	Mehatpur, Distt. Jalandhar Rural	25/27 of Arms Act (Section 27 of Arms Act deleted later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973 Sanhita, 2023, seeking regular bail.
2. As per custody certificate dated 09.09.2024, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	180	06.10.2015	326/324/34 IPC	Mehatpur
2	109	09.07.2016	174-A IPC	Mehatpur
3	206	13.12.2015	326/324/323/506/148/149 IPC	Kartarpur
4	218	14.10.2016	307/326/148/149 IPC	Shahkot
5	09	21.01.2014	323/341 IPC	Mehatpur

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:
- “4. That the brief facts of the present case are that on 11.04.2024, Sub Inspector Loveleen Kumar along-with fellow Police officials, were present in government vehicle No.PB-08-DS-0861, a Bolero Camper at Bus Stand Mehatpur for checking and patrolling of bad elements. During this time, a secret informer approached Sub Inspector Loveleen Kumar and gave information to the effect that Mandeep Kumar alias Deepu (present petitioner), Pawandeep alias Mahashu, and Gurpreet Singh alias Gopi,. have formed a gang in connivance with each other. They are accompanied

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by other unidentified persons from the area of Nakodar, Shahkot, Mehatpur, etc., and have brought illicit arms, weapons, and ammunition from UP.

It was further informed to Sub Inspector Loveleen Kumar that the said gang engages in gang wars and fights in the area and can disturb the peace at any time by spreading terror in the areas of Nakodar and Mehatpur by firing shots along with the other members of their gang. It was further informed to the Police that presently the above- said persons Mandeep Kumar alias Deepu, Pawandeep alias Mahashu and Gurpreet Singh alias Gopi are roaming in the area of Mehatpur on motorcycle No.PB-08-ER-9065, Bajaj CT-110, armed with ammunition and deadly weapons. If barricading be done at Bus Stand Udhawal Parjian Road, all of the above-said persons can be apprehended along with the illicit ammunition.

5. That on the basis of above-said information; FIR No. 32 dated 11.04.2024 U/s 25, 27 of Arms Act (Section 27 of Arms Act deleted vide DDR No. 22 dated 06.06.2024), Police Station Mehatpur, District Jalandhar (Rural) was Tegistered by the Police against the accused persons i.e 1) Mandeep Kumar alias Deepu (present petitioner) 2) Pawandeep alias Mahashu 3) Gurpreet Singh alias Gopi.

6. That the Police reached at the above-said spot and the present petitioner- Mandeep Kumar alias Deepu was apprehended by the Police along-with motorcycle No. PB- 08-ER-9065, Bajaj CT-110 and the Police recovered 7.65 MM country made Pistol along-with 02 alive Rounds of 07.65 MM and the same were taken into possession by the Police vide recovery memo.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State’s counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“That in compliance of the above-said order dated 13.08.2024 passed by this Hon'ble Court, the response to the specific 03 queries put in by this Hon'ble Court are as follows:-

A) THE ROLE OF THE PETITIONER:

On 11.04.2024, the present petitioner- Mandeep Kumar alias Deepu was apprehended by the Police along-with motorcycle No. PB-08-ER- 9065, Bajaj CT-110 and the Police recovered 7.65 MM country made Pistol along-with 02 alive Rounds of 07.65 MM. The petitioner along-with co-accused had procured the said illegal arms from a person Alam Khan of Uttar Pradesh. The second Pistol is yet to be recovered as the co-accused are yet to be arrested.

B) THE EVIDENCE AGAINST PETITIONER:

The Police recovered 7.65 MM country made Pistol along-with 02 alive Rounds of 07.65 MM from the petitioner.

C) CUSTODY CERTIFICATE OF THE PETITIONER:

The custody certificate of the petitioner has been provided by the concerned jail authorities. Copy of the same is annexed herewith as annexure R-1."

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, as per paragraph 7 of the bail petition, the petitioner has been in custody since 11.04.2024. As per the custody certificate dated 09.09.2024, the petitioner’s total custody in this FIR is 04 months & 24 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

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13. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

14. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

26.09.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.