



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.213

CRM-M-39030-2024(O&M)
Date of decision : 27.11.2024

KARAN SINGH Petitioner

VERSUS

STATE OF PUNJAB Respondent

CORAM: HON’BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Kuldip Singh, Advocate
for the petitioner.

Mr. Vinay Kumar, DAG, Punjab

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.78 dated 04.05.2024, under Section 25 of Arms Act (Sections 379, 411 IPC added later on vide Rapat No.43 dated 06.05.2024), registered at Police Station Sadar Fazilka, District Fazilka.

2. The contents of the FIR reads as under:-

“SHO PS Sadar Fazilka, "Jai Hind". Today I ASI along with Senior Constable Satnam Singh No. 163/Fazilka, Senior Constable Narinder Singh No.775/Fazilka, Senior Constable Amandeep Singh No.322/Fazilka, Constable Sumit Kumar No. 986/Fazilka, Constable Bhupinder Kumar 425/Fazilka in Government vehicle Scorpio No.PB-65AF-6375, its driver thereof is Senior Constable Kikkar Singh 884/Fazilka, along with laptop-printer were going towards the area of police station Sadar Fazilka, Férozepur-Fazilka Road village Jatt Wali, Charmari, Thehkalandar etc. for patrolling and checking of suspicious elements and when police party reached near Toll Plaza Theh Kalandar during patrolling then secret informer came present to me/ASI and gave the information that Karan Singh son of Gurdeep Singh son of Khan Singh, resident of Hazara Ram Singh Wala PS Sadar Jalalabad, Gurpreet Singh @ Gori son of Gurmeet Singh son of Karnail Singh resident of Chak Mohammad Wala PS Sadar Jalalabad and Varinder Singh son of Gurmeet Singh son of Amar Singh resident of Basti Maghar Singh Wali PS Guruaharsahai District Ferozepur is having illegal arms who are today also standing on the bridge Semnala Jhugge Lala Singh kacha passage, if raid be conducted upon them then they can be



apprehended and illegal arms can be recovered from them. Upon which, on finding the information being concrete and trustworthy, the act of accused Karan Singh, Gurpreet Singh and Varinder Singh has fulfilled the ingredients of Section 25/54/59 of Arms Act. Upon which, ruga is being sent to police station through Constable Bhupinder Kumar 425/Fazilka for registration of case. After registering the case, FIR number be intimated. PCR Fazilka be informed. I along with fellow officials has left for the place disclosed by informer for conducting raid. In the area of near Toll Plaza Theh Kalandar at 10:40 AM. Sd/ - Aniket Kumar ASI Special Cell Fazilka dated 04.05.2024. Today at police station: On receipt of above said ruga, after registering the above said case under above offences against accused, copy of FIR along with original ruga is being sent on the spot to ASI through Constable Bhupinder Kumar 425/Fazilka. Copies of FIR are being sent to Illaqa Magistrate and higher officials. PCR Fazilka is being informed through email. ”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and the FIR was based solely on secret information. The petitioner was not present at the place of occurrence and no specific role has been attributed to the petitioner in the incident. The petitioner has been in custody since 03.06.2024 and the co-accused Varinder Singh and Gurpreet Singh @ Gori have been granted bail by the learned trial Court vide orders dated 06.06.2024 and 02.07.2024. The petitioner has undergone an actual custody of 06 months and 19 days and there are three other cases registered against him, however he is on bail in all cases.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone actual custody of 06 months and 19 days and there are three other cases registered against him, however he is on bail in all cases. He on instructions from ASI Raj Singh submits that the charges were framed on 10.09.2024. Out of a total of 10 prosecution witnesses, none has been examined till date. He however,



submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, charges were framed on 10.09.2024 and out of a total 10 prosecution witnesses, none of the prosecution witness has been examined. The conclusion of the trial will take considerable time. The petitioner has undergone an actual custody of 06 months and 19 days and there are three other cases registered against him, however he is on bail in all cases Therefore, this Court is of the considered view that further incarceration of the petitioner will not serve any purpose.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.



8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9 However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

27.11.2024
Kavita

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No