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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision : October 15, 2024

SURAJ BHANDARI -PETITIONER

V/S

STATE OF PUNJAB -RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Munish Bhardwaj, Advocate
for the petitioner.

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

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 482 of the B.N.S.S., 2023, the petitioner seeks the concession of anticipatory bail, in case 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.

GIST OF THE FIR

2. The genesis of the present FIR is embodied in a secret information that the petitioner's co-accused, namely, Abhay Kumar, Manpreet Singh @ Khanna, Kanwardeep Singh and Rohit @ Lobby, got issued arms licences in their favour, on the basis of forged Aadhar Cards carrying fake residential addresses. Moreover, on the basis of these arms licences, these persons purchased arms for carrying out illegal activities.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE PETITIONER

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3. In his beseeching the relief of anticipatory bail for the petitioner, 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 Harpal Singh, which does not carry any probative value. Except this disclosure statement, the investigating agency is not seized of any cogent inculpatory evidence against the petitioner.

4. The learned counsel for the petitioner further submits that, the petitioner was working as a District Manager at Sewa Kendra, Tarn Taran and he had no role to play in the entire process of issuance of arms licences. Moreover, the petitioner did not have any public dealing, rather it was for the computer operators concerned to handle public dealing. Furthermore, explaining the process of issuance of arms licence, he submits that the petitioner's only role therein was that, after getting necessary approvals from all the departments concerned, he had to affix "Holograms" on the arms licences and he gave the "Holograms" further to the computer operators for affixation. Therefore, if any offence of issuance of arms licence, on the basis of forged documents, is committed, the computer operators concerned are responsible for the same.

5. Concluding his arguments, the learned counsel for the petitioner submits that, just to save the errant officials of the department, which provides clearance for issuance of arms licence, the petitioner has been made a scapegoat. Moreover, he submits that, even the owner of the arms shop concerned did not verify the authenticity of the arms licence before

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selling the arms to the petitioner's co-accused. Therefore, it is apparently a case of some deep-rooted conspiracy.

SUBMISSIONS OF THE LEARNED STATE COUNSEL

6. The above made submissions of the learned counsel for the petitioner are vociferously opposed by the learned State counsel. By drawing attention of this Court towards the details of investigation, as disclosed in the short reply dated 12.10.2024, he submits that there is sufficient material on record, thus corroborating the allegations against the petitioner.

7. He also 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 SHORT REPLY / DETAILS OF INVESTIGATION / ROLE OF THE PETITIONER

8. Consequent upon registration of the present FIR, accused Abhay Kumar, Manpreet Singh @ Khanna, Kanwardeep Singh and Rohit @ Lobby were arrested on 12.06.2024. During interrogation, accused Rohit @ Lobby produced his arms licence and receipt of deposit of arms in the Baba Deep Singh Gun House, Tarn Taran. He also suffered a disclosure statement on 12.06.2024, thereby disclosing that, he had asked his accomplice/co-accused Kanwardeep Singh @ Deepu to arrange an arms licence for him, whereupon, the latter told him that he knows a person, who can prepare his Aadhar Card having fake address of Tarn Taran and on the basis thereof, arms licence will be issued to him. Accordingly, accused Kanwardeep Singh introduced him to Harinder Singh, who took ₹ 2,25,000/- from him and assured that arms licence will be issued in his favour within

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10/15 days. The said assurance became fulfilled, as Harinder Singh procured a .32 bore pistol from Baba Deep Singh Gun House, Tarn Taran, upon making payment of ₹ 1,75,000/-.

9. During the course of investigation, the arms licence produced by accused Rohit @ Lobby was found to be forged, as per verification report obtained from the office of the Deputy Commissioner, Tarn Taran.

10. The disclosure statement of accused Rohit @ Lobby resulted in Kanwardeep Singh @ Deepu becoming arrayed as accused in the present FIR, whereupon, he was also arrested. The interrogation of accused Kanwardeep Singh @ Deepu resulted in his making disclosures that, he had approached accused Harinder Singh for preparation of arms licences, whereupon, the latter got prepared arms licences on the basis of forged Aadhar Cards, by using his connections in the office of the District Magistrate, Tarn Taran.

11. As a result of the above made disclosure, accused Harinder Singh was arrested and during his interrogation, the role of one Harpal Singh surfaced, whereupon, Harpal Singh was also arrested. It was accused Harpal Singh, in whose disclosure statement dated 09.07.2024, the hereinafter discussed role of the petitioner has surged forth.

12. Accused Harpal Singh disclosed that, he used to work as an employee in the Sewa Kendra concerned from 2017 to 2014 and the petitioner used to work as District Manager of all Sewa Kendras within the jurisdiction of District Tarn Taran. Accused Harjinder Singh and Baljit Singh were his accomplices and they used to assist him in preparation of arms licences, on the fake addresses of District Tarn Taran, by editing Aadhar



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Cards of the customers desirous of obtaining arms licences. **He used to introduce customers to the petitioner for preparation of arms licences, on the fake addresses of District Tarn Taran. The petitioner, being Manager of the Sewa Kendra, used to put original “Holograms” on the arms licences issued on fake addresses, after updating the data in the e-Sewa Portal (Server), on the basis of edited Aadhar Cards, by way of verification in the system. He used to pay ₹ 20,000/- to the petitioner for issuance of every arms licence issued to his customers on fake addresses.**

FINAL ORDER

13. 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 reason(s) 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 petitioner.

14. The prime reason for forming the above inference generates from the hereinabove alluded to details of investigation, which covers the role of the petitioner in commission of the present crime. *Prima facie*, the petitioner took undue advantage of his posting and he was instrumental in issuance of arms licences on the basis of forged documents, inasmuch as, he was the one who used to affix original “Holograms” on the said arms licences.

15. It would also be apt to record here that, the petitioner is involved in one more FIR bearing 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.



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Sadar Tarn Taran, District Tarn Taran. The allegations embodied in the said FIR are alike to the ones carried in the present FIR.

16. In summa, *prima facie* this Court is of the view that custodial interrogation of the petitioner 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 authority 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

17. As an upshot of the discussion made hereinabove, this Court does not find any merit in the instant petition and the same is **dismissed**.

18. 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.

October 15, 2024
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No