



CRM-M-45604-2024

1

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

108

CRM-M-45604-2024

Date of Decision : December 05, 2024

GURMIT SINGH**-PETITIONER****V/S****STATE OF PUNJAB****-RESPONDENT****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Amit Arora, Advocate
for the petitioner.

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

KULDEEP TIWARI, J. (ORAL)

1. Through this petition cast under Section 483 of the B.N.S.S., the petitioner craves for indulgence of this Court for him being enlarged on regular bail, in 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 AND INVESTIGATION QUA PETITIONER

2. 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 petitioner and his co-accused Pawandeep Singh @ Mantri and Shamsher Singh.

3. After registration of the present FIR, the petitioner was arrested on 07.07.2024 and his mobile was recovered. Upon checking the petitioner's mobile, images of some arms licences were found stored therein and some data was found to be erased from Whatsapp. Therefore, in order

**CRM-M-45604-2024****2**

to extracted the data from the petitioner's mobile, the mobile was sent to Digital Forensic Lab for examination.

4. During the course of investigation, petitioner's co-accused (supra) made disclosure statement(s) that, they were preparing false documents from the last two years and issued more than 200 fake arms licences.

5. A large scam of issuance of fake arms licences was found prevailing in the Districts of Tarn Taran and Amritsar and resultantly, two more FIRs were registered. However, the petitioner is not an accused in those two FIRs.

SUBMISSIONS OF THE LEARNED COUNSELS FOR THE PETITIONERS

6. In his beseeching the relief of regular bail for the petitioner, the learned counsel representing him submits that, the petitioner is neither an employee of the E-Seva Kendra concerned nor any agent, therefore, he has no concern or connection with the allegations voiced in the present FIR. In fact, the process of issuance of arms licences is computerized and the petitioner has no role or authority in preparation of the arms licence. The petitioner has been falsely dragged in the present FIR merely on the basis of his co-accused's disclosure statement and some images stored in his mobile.

7. The learned counsel for the petitioner further submits that, employees of the E-Seva Kendra concerned, whose anticipatory bail petitions were dismissed by this Court, have now been granted the concession of interim bail by the Hon'ble Supreme Court, as is evident from order dated 15.10.2024 (passed in Petition for Special Leave to Appeal (Crl.) No. 14028/2024) and 18.11.2024 (passed in Petition for Special Leave to Ap-

**CRM-M-45604-2024****3**

peal (Crl.) No.15672/2024). Therefore, since the case of the petitioner is on a much better footing than the employees of the E-Seva Kendra, hence he deserves the relief of regular bail.

8. Finally, the learned counsel for the petitioner submits that, since the trial, which is a Magisterial trial, has not yet begin, inasmuch as, charges are yet to be framed, therefore, no fruitful purpose would be served by keeping the petitioner behind the bars, who has already suffered incarceration of approx. 04½ months and has no criminal antecedents.

SUBMISSIONS OF THE LEARNED STATE COUNSEL

9. *Per contra*, the learned State counsel vociferously opposes the grant of regular bail to the petitioner, on the ground that, the petitioner acted as a conduit and he, in connivance with his co-accused/employees of the E-Seva Kendra concerned, facilitated private individuals to easily obtain arms licences on the basis of forged documents.

10. Although the learned State counsel opposes the grant of bail to the petitioner, however, on instructions imparted to him by A.S.I. Sukhwant Singh, he verifies that the trial is yet to begin, as charges have not yet been framed in the present case.

FINAL ORDER

11. This Court has heard the submissions made by the learned counsels for the parties and perused the record.

12. Be that as it may, considering the fact that: (i) as per the custody certificate dated 04.12.2024, as placed on record by the learned State counsel, the petitioner has suffered incarceration of 04 months and 20 days and he has no criminal antecedents; (ii) the petitioner's



CRM-M-45604-2024

4

co-accused/employees of the E-Seva Kendra concerned have been granted interim bail by the Hon’ble Supreme Court; (iii) the trial, which is a Magisterial trial, has not yet begin inasmuch as charges are yet to be framed; this Court deems it appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

13. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

December 05, 2024
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(KULDEEP TIWARI)
JUDGE

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