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

CRM-M-46591-2024

Date of Decision: September 18, 2024

GURPREET SINGH ALIAS GOPI

....Petitioner(s)

VERSUS**STATE OF PUNJAB**

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sumit Dua, Advocate for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J.(ORAL)**1. Relief Sought**

The jurisdiction of this Court under Section 482 Bhartiya Nagrik Suraksha Sanhita, 2023, has been invoked seeking the concession for the grant of anticipatory bail to the petitioner in FIR No.128 dated 12.08.2024 under Section 25 of Arms Act, 1959 (Section 21 of NDPS Act added later on) registered at Police Station Besti Bawa Khela, Jalandhar.

2. Prosecution story set up in the present case as per the version in the FIR read as under :-

'Chief Officer Thana Basti Bawa Khel Commissionerate Jalandhar "Jai Hind" Today SI Including Si Surjit Singh 2446, ASI Daljinder Lal 1259, Sepoy Sukhmilap Singh 1088, Sepoy Jugraj Singh 2135 on government vehicle number PB08-DG-5921 mark Ertiga driven by CT Harpreet Singh 1810 in connection with the patrolling and serching of suspected persons. yesterday on dated 11.08 024, the bridge canal Kapurthala road was present, when a informant was came and informed that Jaskaran Gujjar alias Kannu resident of



Ratan Nagar Jalandhar, Gopi resident Shaheed Babu Labh Singh Nagar Jalandhar, Lovepreet Singh alias Love resident of Shiv Nagar were present in the city, Naveen Saini alias Chittu resident of Aman Nagar Jalandhar, and Vikram Baba resident of Raj Nagar Jalandhar who keep and sell illegal ammunition in the city. If they are controlled, there may be an illegal arms embezzlement plan in this side. Today Man SI along with his fellow employees were present in the dirty drain Jalandhar near Shaheed Babu Labh Singh Nagar that until today by Man SI intelligence has been verified about these persons who have been found to have registered criminal cases against all these persons in different- different police stations. If the statement is true, solid and reliable, it is found to be under section 25/54/59 of the Arms Act. Therefore, by writing the case, the case is sent to the police station of Jugraj Singh 2135, and the case should be registered and informed about the case number. Control room but notification should be given. Special reports should be issued and sent to the service of the District Magistrate and officers. I am going to leave the raid to with my fellow employees including.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner argues that the petitioner has been falsely implicated in the present case and has been nominated as an accused only on the basis of disclosure statement of the co-accused. He submits that the petitioner has already been granted the concession of interim bail vide orders dated 30.07.2024 (Annexure P-2) and 09.09.2024 (Annexure P-3) but due to the apprehension that police would arrest the petitioner in another case, bearing FIR No.228 dated 09.10.2023 under Section 18 of NDPS



registered at Police Station Division No.8, Jalandhar, wherein the petitioner's name has been nominated only on the disclosure statement of the co-accused in which the petitioner could not join the investigation and therefore, seeks time to join the investigation. Learned counsel for the petitioner further submits that a representation dated 04.09.2024 (Annexure P-4) has also been made to the Director General of Police (Punjab), Sector 9, Chandigarh, alleging false implication and seeking protection by his father Harinder Singh.

On behalf of the State

Learned State Counsel appearing on advance notice, on instructions from the Investigating Officer, opposes the prayer for grant of anticipatory bail but could not controvert the submissions made on behalf of the petitioner.

4. Analysis

Be that as it may, after giving a thoughtful consideration to the submissions as made, by the counsel for both the parties, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. Decision

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining the investigation and reporting to the Investigating Officer concerned within a period of 10 days from today, upon furnishing of



personal/surety bonds to the satisfaction of Arresting/Investigating Officer.
The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

'When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person 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;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within 10 days, the order passed by this Court today shall automatically, stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

18.09.2024
Sangeeta

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