

2024.PHHG:128653



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

228

CRM-M-47859-2024 (O&M)

Date of decision: 27.09.2024

Arshpreet Singh @ Arsh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. D. S. Virk, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 483 of BNSS, 2023 seeking grant of regular bail in case bearing FIR No. 21 dated 13.05.2024, registered under Section 120-B of IPC and Sections 25(6) & 25(7) of the Arms Act, 1959 at Police Station Punjab State Crime Branch, SAS Nagar, District SAS Nagar.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the allegations that on 13.05.2024, on receipt of a secret information that co-accused Gurvinder Singh @ Guri @ Shera, who was an active member of a group of gangsters operating from abroad, was coming to commit some crime and at that point of time, he along with his accomplices petitioner Gurpreet Singh, Ranjit Singh @ Sonu and Jagjit Singh @ Jashan was coming from Patiala side to Zirakpur in a white color Scropio car. It was further informed that if *nakabandi* was laid, he

could be apprehended with huge cache of illicit weapons. Believing the information to be true, a *nakabandi* was immediately laid at the informed place by the police officials. The co-accused was apprehended. Recovery of illegal fire arms and live cartridges was effected from them. They were formally arrested. The petitioner was nominated in this case on the basis of the disclosure statement suffered by co-accused Gurvider Singh @ Shera. He was arrested on 10.06.2024 and one country made pistol and 05 live cartridges were recovered from him. Investigation has since been completed. The petitioner had moved an application for grant of regular bail before the Court of learned Additional Sessions Judge, SAS Nagar, which had been dismissed, vide order dated 07.09.2024.

3. It is argued by learned counsel for the petitioner that he is in custody since 10.06.2024. Investigation has since been completed. He has been arrested merely on suspicion. He is not involved in any other case. The trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. There is nothing on record to show that he is a member of any organized crime. Co-accused Ranjit Singh @ Sonu, from whom recovery of one pistol of .32 bore and 05 live cartridges was effected, has already been granted concession of regular bail by this Court, vide order dated 27.08.2024 passed in **CRM-M-40331-2024**. Even co-accused Jagjit Singh @ Jashan has been granted concession of regular bail by this Court, vide order dated 10.09.2024 passed in **CRM-M-37052-2024**. Hence, on the grounds of parity too, the petitioner deserves to be enlarged on bail. Therefore, it is prayed that the present petition deserves to be allowed.

4. *Per contra*, learned State counsel, in terms of the status report filed today in Court, has submitted that keeping in view the severity of the allegations

as levelled against the petitioner, he does not deserve to be granted concession of regular bail. Therefore, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record very carefully.

6. The petitioner, who is alleged to be the member of a gang involved in committing organized crimes, was nominated in this case on the basis of the disclosure statement suffered by aforesaid co-accused and was arrested on 10.06.2024. Though, some recovery of illegal weapons and live cartridges was effected from the petitioner, however, as mentioned above, similarly situated co-accused Ranjit Singh @ Sonu has already been granted concession of regular bail by this Court. The petitioner is in custody since 10.06.2024. His custodial interrogation is no more required. The trial is likely to take some time. It is a debatable question as to whether he is a member of an organized crime syndicate or not? As such, his further detention would not serve any useful purpose. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that this petition deserves to be allowed.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

27.09.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No