

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. CRM-M-57817-2023
2024:PHHC: 019548

VICKY GARG PETITIONER

Vs.

STATE OF HARYANA RESPONDENT

2. CRM-M-53308-2023
2024:PHHC: 019549

PAWAN RANA PETITIONER

Vs.

STATE OF HARYANA RESPONDENT

Reserved on: 07.02.2024
Pronounced on: 12.02.2024

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Randeep S. Dhull, Advocate, for the petitioner.
(in CRM-M-53308-2023).

Mr. Sahil Choudhary, Advocate, for the petitioner.
(in CRM-M-57817-2023).

Mr. Praveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J.

In the two petitions tiled above, both filed under Section 439 CrPC, petitioners pray for their release on regular bail in case FIR No.330 dated 23.05.2023 under Sections 120B IPC; and 25 & 25(6) of the Arms Act, 1959 registered at Police Station, Shahabad (M), Kurukshetra.

2. Separate status reports in both the cases has been filed.

BACKGROUND OF THE CASE

3.1 It is revealed that on 23.05.2023, the Police party was present at Markanda bridge, when secret information was received against Vicky

Garg @ Lala (*petitioner in CRM-M-57817-2023*), who is an affiliate of Bishnoi gang involved in various assaults and Arms Act cases and currently absconding in case FIR No.83/23 registered at Police Station Sector 9, Ambala, and on run to prevent his arrest, being a habitual offender, was on that day carrying large quantity of illegal arms and ammunitions and was awaiting the arrival of one of his associates below Jalebi bridge, from the side of toll and that if raid is conducted, he could be apprehended with illegal arms. Finding the information to be reliable, a raiding party was prepared. Police party raided the disclosed place. On the information provided by the secret informer, a young boy was apprehended, who disclosed his name as Vicky Garg @ Lala -petitioner. His bodily search resulted into the recovery of a country-made pistol from the left pocket of his trouser. The pistol contained a magazine with 6 live cartridges. Thereafter, the bag carried by the accused Vicky Garg @ Lala was searched and it was found to contain 3 country-made pistols, 2 country-made Katta and 8 live cartridges. The accused could not produce any license to keep the recovered arms. The 6 weapons and 14 live cartridges, as recovered from the petitioner, were taken into possession, after completing necessary statutory compliances. Said accused Vicky Garg @ Lala was arrested.

3.2 During interrogation, it was disclosed on 24.05.2023 by accused Vicky Garg @ Lala that he along with accused Pawan Rana (*petitioner in CRM-M-53308-2023*) and Vishal resident Jalbeda Road, Ambala had gone to Gorakhpur for purchasing the illegal arms in Honda City Car of another friend Goldy and had brought 6 country-made pistols, 2 *desi Kattas* and 21 live cartridges from Manish Yadav, resident of Gorakhpur. Then, accused- Pawan Rana was arrested on 20.08.2023 and on

interrogation, he admitted his involvement in the crime. Co-accused Vishal was arrested on 28.08.2023. After completion of investigation, final report under Section 173 CrPC was filed.

CONTENTIONS IN CRM-M-57817-2023

4. It is submitted by Id. counsel on behalf of petitioner-Vicky Garg @ Lala that he has been falsely implicated; that Section 25(6) of the Arms Act has been invoked to increase the gravity of the offence; that there is no circumstance to indicate that he is a member of the Bishnoi gang or working for it; that offences in question are triable by Magistrate; that investigation is already complete; that petitioner is in custody for the last more than 8 months and so, he be granted bail.

CONTENTIONS IN CRM-M-53308-2023

5. It is submitted by Id. counsel on behalf of petitioner-Pawan Rana that he has been falsely implicated simply on the basis of disclosure statement of co-accused Vicky Garg @ Lala; that no recovery, whatsoever, has been effected from him and so, he be granted bail.

CONTENTION OF STATE

6. Opposing the bail petitions, Id. State counsel has pointed out that huge quantity of illegal arms and ammunitions have been recovered from Vicky Garg @ Lala (*petitioner in CRM-M-57817-2023*), who is also involved in numerous other cases, as per the details given in the custody certificate and that said petitioner Vicky Garg @ Lala has nominated Pawan Rana (*petitioner in CRM-M-53308-2023*) with whom he had gone to Gorakhpur, so as to bring the illegal arms and ammunitions. Prayer is made for dismissal of both the petitions.

7. Submissions considered.

CONSIDERATION BY THIS COURT IN CRM-M-57817-2023

8. As far as petitioner Vicky Garg @ Lala is concerned, as many as 6 country-made/kattas and 14 live cartridges have been recovered from his possession and he could not produce any license to keep the said weapons. The secret information was also against him to the effect that he was on run to prevent his arrest in other cases and that he was an affiliate of Bishnoi gang. The custody certificate, as placed on record, would reveal that petitioner Vicky Garg @ Lala is in custody for the last 8 months and 7 days in this case and he is involved in as many as 24 other cases, clearly indicating the criminal antecedents of the said petitioner-Vicky Garg @ Lala. It will be a matter of evidence as to whether the petitioner is a member of an organized crime syndicate or not, so as to invoke Section 25(6) of the Arms Act, but looking into the criminal antecedents of the petitioner, this possibility is not ruled out, at this stage.

9. The offence under Section 25 of the Arms Act is punishable with imprisonment for a term which shall not be less than 7 years, but which may extend to imprisonment for life. Similarly, offence under Section 25(6) of the Arms Act, entails punishment of not less than 10 years imprisonment, but which may extend to life imprisonment.

CONCLUSION IN CRM-M-57817-2023

10. Looking into the gravity of the offence, the huge quantity of arms and ammunitions as recovered from the petitioner Vicky Garg @ Lala, his criminal antecedents and all other circumstances, but without commenting anything further on the merits of the case, this Court is not inclined to grant regular bail to the petitioner and as such, CRM-M-57817-2023 is hereby dismissed

CONSIDERATION BY THIS COURT IN CRM-M-53308-2023

11. Case is of the petitioner-Pawan Rana is on different footing. He has been named only in the disclosure statement of co-accused Vicky Garg @ Lala to have accompanied him to Gorakhpur to bring the illegal arms and ammunities. Status report does not reveal that any recovery has been effected from the petitioner.

CONCLUSION IN CRM-M-53308-2023

12. Though this petitioner-Pawan Rana is also involved in other cases, as per the custody certificate placed on record but considering the circumstances that no recovery has been effected from him and that case of the prosecution qua him is based on the disclosure statement of co-accused, but without commenting anything further on merits of the case, his petition i.e. **CRM-M-53308-2023** is allowed. He is admitted to regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, by observing usual terms and conditions.

12.02.2024

Vivek

(DEEPAK GUPTA)

JUDGE

1. Whether speaking/reasoned?

2. Whether reportable?

Yes

No