

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-60984-2023 (O&M)

Date of Decision: 01.02.2024

BEANT SINGH @ NIKKA

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Raghav Soni, Advocate for the petitioner.

Mr. Subhash Godara, Addl. AG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Through instant petition, the petitioner is seeking anticipatory bail in case FIR No. 61 dated 01.04.2023 registered under Sections 25(2), 54 of Arms Act 1959 (Sections 473 and 411 of IPC added later on) at Police Station Jandiala, District Amritsar.

2. On 05.12.2023, following order was passed:

"This is a petition filed under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.61 dated 01.04.2023, under Sections 25(2) of Arms Act, registered at Police Station Jandiala, District Amritsar.

Learned counsel for the petitioner has argued that the petitioner is innocent and has been falsely implicated in this case. It is submitted that as per the prosecution version, on secret information, a naka was laid and three persons riding on one motorcycle were apprehended at the spot, whereas others had managed to escape. One pistol each was recovered from co-accused Anmol Singh and Kishan Singh @ Kishan. The name of the petitioner has surfaced in the disclosure statement of co-accused Varinder Singh, who was apprehended at the spot. It is submitted that except for the disclosure statement, there is no other material against the petitioner to connect him with the commission of offence. The petitioner earlier also has been falsely implicated in two cases under the Arms Act,

in which he is on bail. Learned counsel for the petitioner submits that the petitioner is ready to join investigation and cooperate with the investigating agency.

Notice of motion.

Mr. Gurvinder Singh Sidhu, AAG, Punjab, accepts notice on behalf of respondent-State and waives service. Learned State counsel on instructions from ASI Tajinder Singh, P.S. Jandiala, District Amritsar, submits that the petitioner deals in selling of illegal weapons purchased from Uttar Pradesh. It is, however, not disputed that the petitioner has been granted the concession of bail in two cases mentioned in para 17 of the petition. Learned State counsel seeks time to file reply/status report.

List on 01.02.2023.

In the meanwhile, petitioner shall join the investigation and would associate as and when called. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bond and surety to the satisfaction of Arresting Officer/Investigating Officer. The petitioner shall abide by the conditions specified in Section 438(2) Cr.P.C.”

3. Learned State counsel on instructions from ASI Ranjit Singh, submits that in compliance of order dated 05.12.2023 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.
4. Keeping in view the statement made by learned State Counsel the order dated 05.12.2023, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly allowed.

01.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE