

2024:PHHC:149338



108

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57240-2024
DECIDED ON: 18.11.2024

SANDEEP SINGH
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court under Section 482 of The Bharatiya
Nagarik Suraksha Sanhita, 2023, has been invoked seeking the concession for the
grant of anticipatory bail to the petitioner in FIR No.241 dated 29.10.2024, under
Section 25 of Arms Act, 1959 and Section 111 of BNS (added later on), registered at
Police Station Sadar Amritsar, District Amritsar.

2. Facts

The prosecution story set up in the present case as per the version
narrated in the FIR read as under :-

*“To the SHO Police Station Sadar, Sir, today I, ASI along with HC
Kartar Singh 2181, HC Baljit Singh 1508, Ct Jarmanjit Singh 4119,
HC Rajpal Singh 3878 travelled by private vehicles, along with a*

laptop and a printer for patrolling and in search of ante social elements. We were present near drain Mutfabad, Batala Road. There came special informer and he intimated me that Balram Sharma s/o Chaman Lal r/o H. No. 52 Street No. 1 Anand Nagar Batala Road Amritsar. That accused Balram Sharma and his accomplices are involved in illegal activities. They possess illegal weapons. Balram Sharma will be coming near H20 Gym Batala Road to supply illegal weapons to someone. If by doing a perfect planning without wasting any time, supervision is kept and accused Balram Sharma is apprehended then illegal weapons can be recovered from him. This information is true and solid. offence is found to be covered under sections 25/54/59 Arms Act. A written note is prepared and for registration of FIR same is forwarded to the Police Station hand through HC Baljit Singh 1508. FIR be registered and No. of the same be intimated. SHO of the police station and police control room be intimated. I ASI, learnt the physical description of accused Balram Sharma very clearly from the special informer and then the special informer was relieved. I, explained this information to the police party and I, ASI along with police employees proceeded towards near H20 Gym Batala Road to conduct enquiry and raid. Area near sewerage drain Mustfabad Batala Road Amritsar at 12:30 AM Sd/- ASI Manjinder Singh 840/ASR CIA Staff-1 Amritsar City. Date 29.10.2024 Phone No. 81969-91000. Action taken at Police Station: - On receipt of the written note at the police station an FIR was registered under the a/m offence. Original written note and a copy of FIR were sent to the ASI by hand through the employee who brought it. SHO of the Police Station and P.C.R. have been intimated. Report No. 04 time 01:08 AM concluded.”

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of disclosure statement of co-accused namely Balram Sharma and there is not a single evidence to connect the

petitioner with the alleged occurrence. He further contends that no recovery is to be effected from the possession of the petitioner, as the recovery of firearms were already effected from the possession of co-accused namely Balram Sharma.

Notice of motion.

On behalf of the respondent/State

On the asking of Court, Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State, who on instructions submits that the allegations against the petitioner are quite serious, therefore, does not deserve the concession of anticipatory bail.

4. Analysis & Decisions

Be that as it may, after given a thoughtful consideration to the submissions made by counsel for the petitioner, particularly to the effect that, there is no incriminating material coming forth qua the petitioner and admittedly the recovery of firearms was effected from the possessions of co-accused namely Balram Sharma, who disclosed the name of the present petitioner, this Court finds no reason to deny the petitioner the concession of anticipatory bail wherein the petitioner has bona fide intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

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 investigation and reporting to the Investigating Officer concerned within a period of 10 days from today, on 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 do not comply with the aforesaid direction of joining the investigation within 10 days, the order passed by this Court today shall automatically, stand cancelled.

In the afore-said terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

18.11.2024

Meenu

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