

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

106

CRM-M-57777-2024

DATE OF DECISION: 20.11.2024

GURPREET SINGH ALIAS GOPY

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. G.S. Bajwa, Advocate for the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

This petition has been filed under Section 482 of BNSS praying for grant of anticipatory bail to the Petitioner in FIR No. 206 dated 04.09.2024, under Section 25 of Arms Act Police Station Gharinda, District Amritsar (Annexure P-1).

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

‘SHO, police station Gharinda, District Amritsar, Jai Hind, Today I ASI along with ASI Bir Singh 680, HC Deepak Kumar, S/CT Gurpreet Singh, 209, alongwith laptop and printer, by Govt. vehicle, in search of bad elements, were present at Adda, Village Rajatal. Secret informer informed ASI that Harpreet Singh @ Happy son of Sukhchain Singh r/o Village Rajatal, District Amritsar and Gurpreet Singh @ Gopy son of Bhajan Singh R/o Village Rajatal, District Amritsar, have connections with the smuggler of Pakistan. Who orders consignments of illegal weapons through Pakistani smuggler

from borders of India and Pakistan and supply them to different cities of Amritsar and Punjab. If they both are arrested then a huge consignments of weapon can be recovered from them. The information was found to be reliable, so this offence comes U/s 25, 54, 59 of Arms Act. Ruqa was sent by hand of ASI Bir Singh to police station Gharinda for registration of FIR.

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case and as per the alleged story of the prosecution the petitioner was nominated on the basis of disclosure statement made by co-accused- Harpreet Singh @ Happy from whom the recovery of 32 bore pistol was effected. He contends that the complainant and the Investigating Officer are the same, therefore possibility of biased investigation cannot be ruled out.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating Officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that there are allegations against the petitioner that he is the supplier of the weapon, therefore, prays for dismissal of the petition.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties, especially to the effect that the complainant and the Investigating Officer are the same, therefore possibility of biased investigation cannot be ruled out and nothing is to be recovered from the petitioner, hence, 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 investigation and reporting to the Investigating Officer concerned within a period of one week 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 does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

20.11.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>