

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1.

CRM-M-57530-2023
2024:PHHC: 042518

VIKRANT PANWAR @ VICKY THAKUR

. . . . Petitioner

Vs.

STATE OF PUNJAB

. . . . Respondent

2.

CRM-M-62880-2023
2024:PHHC: 042519

DEEPAK SINGH @ RANA

. . . . Petitioner

Vs.

STATE OF PUNJAB

. . . . Respondent

Reserved on: 20.03.2024
Pronounced on : 01.04.2024

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Hitesh Ghai, Advocate, for the petitioner
(in CRM-M-57530-2023)

Mr. Siddarth, Advocate, for the petitioner
(in CRM-M-62880-2023)

Mr. Gurpartap Singh Bhullar, AAG, Punjab.

DEEPAK GUPTA, J.

This order shall dispose of two petitions titled above both filed under Section 439 CrPC, by which petitioners pray for their release on regular bail in case FIR No.206 dated 15.07.2023 under Section 25 of the Arms Act, 1959 [Section 25(7) & 25(8) of the Arms (Amendment) Act, 2019 and Section 120B IPC added later on], at Police Station City Kharar, District SAS Nagar.

2. Separate status reports by way of affidavits of Shri Gursher Singh Sandhu, PPS, Deputy Superintendent of Police, Investigation, District SAS Nagar on behalf of the respondent-State have already been filed

3.1 As per prosecution case, on 15.07.2023, ASI Gurdeep Singh along with other police officials was present at Bus Stand Kharar in connection with crime patrolling, when secret information was received that gangsters namely **Prince Chauhan** and **Sandeep Singh @ Kala Rana** residing in Canada/America get firing done at people, who do not fulfill their ransom demands, in the area of Mohali, Chandigarh and Panchkula; that their henchman **Deepak Singh @ Rana** [petitioner in CRM-M-62880-2023] get the aforesaid gangsters linked with other henchman by his mobile through 'Zangi App' and also arrange bank accounts for the gangsters residing abroad. Secret information was also to the effect that on that day, said Deepak Singh @ Rana armed with weapons was roaming in the area of Chandigarh and Mohali and could be apprehended with illegal weapons.

3.2 On the basis of above information, FIR under Section 25 of the Arms Act, 1959 was initially registered against Deepak Singh @ Rana, who was arrested by police party and on his search, a pistol of 0.32 bore along with 2 live cartridges was recovered. During course of interrogation, he suffered disclosure statement to the effect that on the asking of gangster Prince Chauhan, he had bought 2 pistols and 10 live cartridges from **Vikrant Panwar @ Vicky Thakur** [petitioner in CRM-M-57530-2023] in the month of July 2023 and had supplied the same to one of the henchmen of Prince Chauhan at Phase VI, Mohali. He also disclosed that pistol as recovered from him was also bought by him from Vikrant Panwar @ Vicky Thakur 6-7 days ago.

3.3 On the basis of the above said disclosure statement of Deepak Singh @ Rana, petitioner Vikrant Panwar @ Vicky Thakur was arrested and on his search, a pistol of 0.32 bore along with 2 live cartridges were recovered him. Both of them i.e. Deepak Singh @ Rana and Vikrant Panwar @ Vicky Thakur further disclosed on interrogation conducted on 18.07.2023 that they were supplying ammunition in the area of Haryana, Punjab, UP and Uttarakhand to different persons and also used to supply the same to the gang members of Canada based gangster Prince Chauhan. As per them, they had supplied 10 pistols along with ammunition to henchmen of gangster **Rahul @ Dana** (*Confined in Faridkot Jail*) in the last 15 days.

3.4 On the basis of above disclosure, Rahul @ Dana was nominated in the case on 18.07.2023 and was arrested on 20.07.2023 after obtaining his production warrant from the Court. On interrogation said Rahul @ Dana disclosed that he had purchased 5 country-made pistol of 0.32 bore, 3 pistols of 0.315 bore along with 25 live cartridges from petitioner Vikrant Panwar @ Vicky Thakur for an amount of ₹2.5 lakh with the help of his friend **Gurjant Singh @ Nanni**. Subsequently, 2 country-made pistol of 0.315 bore, 4 country-made pistols of 0.32 bore, 10 live cartridges of 0.32 bore and 2 live cartridges of 0.315 bore were recovered as per the disclosure statement of Rahul @ Dana.

3.5 Petitioner Vikrant Thakur during his interrogation stated the same facts as above and further disclosed that Rahul @ Dana had introduced him to gangster **Buta Khan @ Bagga Khan** (*confined in Hoshiarpur Jail*) and on his demand, he (petitioner-Vikrant Panwar @ Vicky Thakur) had given 4 country-made pistols of 0.32 bore to a friend of Buta Khan @ Bagga Khan for an amount of ₹1,80,000/-. On the same night, one person sent by gangster

Ravinder @ Kali Shooter (*confined in Patiala Jail*) had come to him, to whom he had given 4 country-made pistols of 0.32 bore for a sum of ₹1,80,000/-.

3.6 On the basis of disclosures made by Vikrant Panwar @ Vicky Thakur and Rahul @ Dana, co-accused Buta Khan @ Bagga Khan and Ravinder @ Kali Shooter were arrayed as accused. They were arrested on 24.07.2023, after obtaining their production warrants. Based on the disclosure statement suffered by Vikrant Panwar @ Vicky Thakur on 24.07.2023, 2 country-made pistols of 0.15 bore and 2 country-made guns of 0.12 bore were recovered. Said Vikrant Panwar @ Vicky Thakur also disclosed that about one month back, he had received a call from co-accused Rahul @ Dana, who had told him to have received call from one **Pranab Sehgal @ Paru** (*confined in Ludhiana Jail*) and on his asking, he (*petitioner-Vikrant Panwar @ Vicky Thakur*) had supplied 2 country-made pistols 0.32 bore for ₹90,000/-. Said Pranab Sehgal @ Para was nominated in the FIR and arrested on 26.07.2023.

3.7 It also emerged during investigation that Ravinder @ Kali Shooter was associated with the Lawrence Bishnoi Gang and he used to collect weapons upon the order of one **Sampat Nehra**, a member of Lawrence Bishnoi Gang.

3.8 On 27.07.2023, 4 country-made pistols of 0.32 bore each (total 12) were recovered as per the disclosure statement suffered by co-accused Bagga Khan @ Buta Khan, Ravinder @ Kali and Rahul @ Dana.

3.9 Status report further reveals that during interrogation of co-accused Bagga Khan @ Buta Khan on 28.07.2023, it was revealed that Ravinder @ Kali, Deepak Singh @ Rana [*petitioner in CRM-M-62880-2023*], Vikrant Panwar @ Vicky Thakur [*petitioner in CRM-M-57530-2023*] and

Rahul @ Dana were all members of Lawrence Bishnoi Gang and weapons were collected by them on the asking of Sampat Nehra, who used to tell them to collect weapons in a large number to commit big crimes in Mohali.

3.10 **Gurjant Singh @ Nanni and Sampat Nehra @ Balkari** were arrayed as accused on 28.07.2023. Sampat Nehra @ Balkari was arrested after obtaining production warrant. Offences under Section 25(7) and 25(8) of the Arms Act (Amendment Act 2019) were added besides Section 120B IPC. Gurjant Singh @ Nanni was arrested on 15.08.2023 and 2 country-made pistols of 0.32 bore were recovered from him. Another accused Jahar Singh @ Prince was arrayed as accused on 16.08.2023. After completion of investigation, final report under Section 173 CrPC has been filed.

4. It is contended by ld. counsel on behalf of both the petitioners that they have been falsely implicated; that one pistol each is alleged to have been recovered from the two petitioners; that petitioners are in custody for the last more than 7 months; that trial may take time to conclude and so, they be granted bail. Ld. counsel also referred to a decision of Bombay High Court rendered in ***Raju @ Haidar @ Mohammed Shahid Mohammed Ibrahim Khan Vs. The State of Maharashtra, 2021(2) AIR Bom. R (Cri) 51***, in order to contend that the prosecution allegations do not *prima facie* indicate that alleged supply of firearms by the petitioners were a step in the execution of any conspiracy to commit any organized crime of extortion.

5.1 Strongly opposing the bail petitions, ld. State counsel contend that both the petitioners are involved in supplying illegal arms and ammunition to the gangsters, who are a part of the organized crime syndicate. Ld. counsel has further drawn attention towards Sections 25(7) and 25(8) of the Arms (Amendment) Act, 2019 [for short 'the Act'] in order to contend that the said

offences are punishable with imprisonment, which cannot be less than 10 years though the same may extend to life.

5.2 Ld. State counsel submits that as many as 26 arms and various live cartridges have been recovered from different co-accused, as they had been supplied by the petitioners, which it itself indicate that petitioners are part of a organized crime syndicate. Ld. State counsel has also drawn attention towards the fact that petitioner Deepak Singh @ Rana is involved in one more case bearing FIR No.12 dated 31.01.2024 under Sections 307/384/506/427/34/120B IPC and Section 25 of the Arms Act at Police Station Mullanpur. Similarly, petitioner Vikrant Panwar @ Vicky Thakur is involved in as many as 3 other cases, as per the details given in para No.16 of the status report, which includes the offence of murder. Prayer is made for rejecting the petitions.

6. I have considered submissions of both the sides and have appraised the record.

7. As per Section 25(7) of the Act, whoever on behalf of a member of an organized crime syndicate or a person on its behalf, manufactures, obtains, procures, sells, transfers or offers for sale etc. any arms or ammunition in contravention of section 5 of the Act shall be punishable with imprisonment for a term, which shall not be less than ten years, but which may extend to imprisonment for life besides fine. Section 25(8) of the Act provides that whoever is involved in or aids in the illicit trafficking of firearms and ammunition in contravention of Sections 3, 5, 6, 7 and 11 of the Act, shall be punishable with imprisonment for a term, which shall not be less than ten years, but which may extend to imprisonment for life besides fine.

8. Considering the contentions raised by Id. State counsel, the investigation conducted so far and the evidence collected during investigation, petitioners *prima facie* appear to be members of organized crime syndicate, dealing in supplying of the illegal arms and ammunition to various people including gang members. It is pursuant to the disclosure statements by the petitioners that numerous illegal arms and ammunitions have been recovered from the co-accused.

9. Having regard to all the aforesaid facts and circumstances and the gravity and nature of the offence, but without commenting anything further on merits of the case, this Court is not inclined to grant benefit of bail to the any of the petitioners. As such, both the petitions are hereby dismissed.

Pending application(s), if any, also stand disposed of.

A photocopy of this order be placed on the file of other connected case.

01.04.2024

Vivek

(DEEPAK GUPTA)

JUDGE

Whether speaking/reasoned?

Whether reportable?

Yes

No