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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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Date of decision: 3rd December, 2024

Sukhdev Singh @ Kala Mattu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. B.S. Jaswal, Advocate for the petitioner.
Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 42 dated 15.07.2024 registered under Section 25 of Arms Act, 1959 and Section 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station State Special Operation Cell, District Amritsar.

2. As per prosecution case, on 15.07.2024, on receipt of a secret information to the effect that the present petitioner along with one Sahil Kumar @ Mast and Prabhjot Singh @ Prabh and some other persons was dealing in sale/purchase of illicit weapons and had brought a consignment of such weapons from Madhya Pradesh for sale in Punjab and further information that he along with co-accused could be apprehended with such weapons as they were coming towards Guru Teg Bahadur Nagar Market, a



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raiding party was immediately formed which rushed towards the informed place and apprehended the petitioner and co-accused. Two pistols, 02 magazines and 06 cartridges were recovered from the petitioner, whereas, one pistol of .32 bore along with magazine was recovered from the custody of the co-accused- Sahil Kumar @ Mast. The petitioner could not produce any licence or permit for retaining the weapons. He was formally arrested. Investigation has since been completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 15.07.2024. His custodial interrogation is no more required. The trial is likely to take time. He has a permanent abode. There are no chances of his intimidating the witnesses or absconding. The co-accused Sahil Kumar whose case is on similar footing has been extended benefit of bail. Hence, it is prayed that the present petition deserves to be allowed and the petitioner deserves to be released on bail.

4. Status report has been filed by the respondent-State. Learned State counsel, in terms thereof, has argued that the allegations against the petitioner are serious in nature. He has criminal antecedents as three other criminal cases have been registered against him. There are chances of his committing similar offences, if extended benefit of bail. Therefore, it is urged that the present petition is liable to be dismissed.

5. I have heard learned counsel for the parties and have also gone through the material placed on record.

6. The petitioner is alleged to have been found in conscious



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possession of two pistols and six cartridges, for which, he could not produce any licence or permit. The subject offences are triable by the Magistrate. The petitioner is in judicial custody since 15.07.2024. Challan has been presented in the Court. However, the trial is likely to take time. The petitioner is on bail in other cases registered against him. On parity, he too deserves to be released on bail. Keeping in view the aforesaid facts and circumstances as well as the period of incarceration of the petitioner, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

[MANISHA BATRA]
JUDGE

3rd December, 2024

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*