

2024:PHHC:002009
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64845-2023
Date of Decision:09.01.2024

Mehakdeep Singh @ Mehak ...Petitioner

vs.

State of Punjab ...Respondent

Coram : **Hon’ble Mr. Justice N.S.Shekhawat**

Present : Mr. Amit Arora, Advocate
 for the petitioner.

Mr. I.P.S Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 29 dated 05.09.2023, registered under Section 25 of Arms Act and Section 120-B of IPC, Police Station State Special Operation Cell, Amritsar, District Intelligence Wing (CID), Amritsar.
2. As per the case of the prosecution, on 05.09.2023, SI Jagdeep Singh was present alongwith other police officials and in the meantime, a secret information was received that Lakhbir Singh @ Landa, who is residing abroad, is carrying out major crimes at Punjab by contacting his close friends Kashmir Singh @ Sheera through media and Whatsapp. As per the said information, Lakhbir Singh @ Landa and Kaashmir Singh @ Sheera had asked Mehakdeep Singh alongwith other accused to carry out major operations in Punjab and they had provided illegal weapons. Consequently, the raid was conducted and Mehakdeep Singh was arrested by the police on 05.09.2023.

3. Learned counsel for the petitioner contends that the petitioner was named in the FIR and was arrested illegally. Later on, a recovery of one pistol of 30 bore along with five live cartridges were planted on the present petitioner. He contends that the challan has already been presented in the present case and his further custody will serve no useful purpose. He next contends that the similarly placed co-accused Sandeep Masih @ Mahli has already been granted the concession of bail by this Court vide order dated 09.11.2023 (Annexure P-1).

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that two more cases have been registered against him. However, he admitted that the petitioner is on bail in other two cases.

5. I have heard learned counsel for the parties and perused the record.

6. The petitioner was taken into custody in the present case on 05.09.2023 and after completion of the investigation, the final report under Section 173 Cr.P.C. has already been presented before the competent Court. Similarly placed co-accused Sandeep Masih @ Mahli has already been granted the concession of bail by this Court vide order dated 09.11.2023 (Annexure P-1).

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner 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 to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move

an application in this regard.

09.01.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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