

111



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61455-2024

Date of Decision: 18.12.2024

NIRVAIL SINGH ALIAS RAVEELA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Robin Singh Bhullar, Advocate,
for the petitioner

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.114, dated 29.08.2024, under Sections 25/54/59 of the Arms Act, and under Section 61(2) and 111 of the BNS, 2023, and under Section 27-A of the the Narcotic Drugs and Psychotropic Substance Act, 1985 (Sections 25(6) and 25(7) of the Arms Act, added later on), registered at Police Station Sirhali, District Tarn Taran.

2. The brief facts of the case, which are culled out from the instant FIR, reads as under:-

“.....today myself SI along with SI Harpreet Singh No. 80/BRT, ASI Gurdev Singh No. 726/TT, ASI Gurbhej Singh No. 1139/TT, PHG Amarjit Singh No. 4607, Computer Operator Dharuv Kumar carrying laptop, printer acce accessory on government Bolero bearing registration No. PB07- T-4868 being driven by LR/ASI Beant Singh No. 1880/TT were present on barricading at GT road Highway opposite

to the residence of Deputy Commissioner and were checking the vehicles then a car bearing registration No. PB07-BQ-7141 make Swift colour white seen coming from village Sheron and we gave signal with torch to stop the car then the driver of car has tried to run the car, but Car hit to barricade and thereafter hit with the footpath and got switched off, then on having doubt, myself SI have apprehended riders of officials car with and asked the help of the associate their whereabouts, then driver of car has stated his name as Harpreet Singhe Happy son of Narinder Singh alias Satnam Singh resident of village Chhappa Ram Singh, Police Station Jandiala and the Guru second person has disclosed his name as Lovepreet Singh @Love son of Satnam Singh resident of village Basarke, Police Station Khalra, they have been alighted from the car and prior to conduct their search, the efforts have been made to join any public witness in the police party but nobody got ready to join the police party under the fear of enmity, then the personal search of Harpreet Singh has been conducted as per procedure, then a loaded pistol recovered from his right side Dabb, on unloading the said pistol, 03 cartridges 09 MM recovered from the Magazine of said pistol. On conducting personal search of Lovepreet Singh sitting on the conductor seat of car, one loaded pistol Glock recovered from him, on unloading the said pistol 04 cartridges 09mm recovered from the Magazine and on checking the car, a pink colour polythene found from the underside of driver seat and 2 pistols Glock along with Magazine recovered from the said polythene and Indian currency recovered from a orange colour polythene lying in dashboard of the car. The outlining/Khaka of four recovered pistols Glock along with Magazine on which Glock 19Gen 4 Australia 9+9 is written, have ben prepared and after putting them in the separate cloth bags, prepared parcel along with cartridges (4 parcels) and sealed the same by myself SI with my seal bearing impression C.S. and also prepared the sample of seal. On counting the Indian currency notes lying in the orange colour polythene, 8 packets of Rs. 500/500, every packet contains 100-100 notes and 250 notes of Rs. 200/-, 250 notes of Rs. 100-100 note and 100 notes of Rs. 50-50/-, total amount of Rs. 480000/- of Indian currency recovered. On asking about this amount, they stated that this amount is supplied to us for payment to the persons of sleeper Cell doing activities in the Punjab, this is drug money. The said amount have been put into a cloth bag and after turning the same into parcel, sealed the parcel with seal bearing impression C.S. and after using seal the same is handed over to SI Harpreet Singh No. 80/BRT. The said car bearing registration No. PB07-BQ7141 have been taken into the possession of police. Said Harpreet Singh and Lovepreet Singh have committed offence under section 25/54/59 of Arms Act and section 27-A of NDPS Act by keeping 4 pistols and drug money in their possession. Therefore after writing Ruqa, the same is being sent to the Police Station by the hand of PHG Amarjit Singh No. 4607 for registration of case, after register case, number of the same be intimated, control room be intimated. After issuing special reports, the same be sent to the officers and *Illaq*a Magistrate.”

3. A perusal of the above, reflects that four pistol from the co-accused-Harpreet and Lovepreet, were recovered, including seven rounds of bullets, and further, Rs.4.80 lakhs drug money, has also been recovered from them.

4. The learned counsel for the petitioner, in his asking for the hereinabove extracted relief, has made the following submissions:-

- (i) Petitioner has suffered incarceration of more than 3 months, as on today;
- (ii) the name of the present petitioner was surfaced only in the disclosure statement of the co-accused, and the probative value of such disclosure is inherently weak in nature;
- (iii) only substance with the prosecution is that the petitioner was in regular touch with the co-accused, even that would not create any statutory presumption in favour of the prosecution to implicate the present petitioner in the instant crime;
- (iv) though the petitioner is stated to be involved in three other criminal cases, but in all those cases he is on bail;
- (v) the final report under Section 173 Cr.P.C., has already been filed on 27.11.2024;
- (vi) in the final report total 15 prosecution witnesses have been cited by the prosecution;
- (vii) conclusion of trial will take long time;
- (viii) no specific role is attributed to the present petitioner in the instant FIR.

5. *Per contra*, the learned State counsel, has vociferously opposed the asked for relief to the present petitioner and submits that upon the disclosure statement of the present petitioner, one pistol and two magazines were recovered, therefore, he is not entitled for the relief of regular bail.

6. He has filed a custody certificate *qua* the petitioner today in court, which is taken on record. A perusal of the custody certificate reveals that the petitioner has suffered incarceration of 03 months and 10 days, as on today, and he is stated to be involved in one other criminal case, however, he is on bail in that case.

7. He, on instructions, imparted to him by the official respondent, submits that after conclusion of the investigation, the final report under Section 173 Cr.P.C., had already been filed on 27.11.2024, but the charges are yet to be framed. In the final report total 15 prosecution witnesses have been cited by the prosecution.

8. This Court has heard the learned counsel for the parties concerned, and has gone through the entire case file.

9. Be that as it may be, considering the fact that (i) the only allegation against the present petitioner is the recovery of illegal weapon; (ii) the petitioner has suffered incarceration of 03 months and 10 days, as on today; (iii) the *challan* has been presented in the instant case on 27.11.2024, but the charges are yet to be framed, therefore, the trial is yet to begin; and (vi) the conclusion of trial will take a long time, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner, during the pendency of trial. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail, on furnishing of his bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

10. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as is involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court.

11. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.
12. All pending application(s), if any, stand **disposed** of accordingly.

December 18, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. :

Whether Reportable. :

Yes/No

Yes/No