



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64526-2024
DECIDED ON: 20.12.2024

SANDEEP SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked for the second time under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.241 dated 29.10.2024, under Section 25 of Arms Act 1959 & Section 111 of BNS 2023, Sections 111(1)/111(2)/ 111(3) of BNS 2023 (Added Later on), registered at Police Station Sadar Amritsar, District Amritsar.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

12. To the SHO Police Station Sadar, Sir, today 1, ASI along with HC Kartar Singh 2181, HC Baljit Singh 1508, Ct Jarmanjit Singh 4119, HC Rajpal Singh 3878 travelled by private vehicles, along with a laptop and a printer for patrolling and in search of ante social elements. We were present near drain Mutfabad, Batala

Road. There came special informer and he intimated me that Balram Sharma s/o Chaman Lal r/o H. No. 52 Street No. 1 Anand Nagar Batala Road Amritsar. That accused Balram Sharma and his accomplices are involved in illegal activities. They possess illegal weapons. Balram Sharma will be coming near H20 Gym Batala Road to supply illegal weapons to someone. If by doing a perfect planning without wasting any time, supervision is kept and accused Balram weapons Sharma is apprehended then illegal can be recovered from him. This information is true and solid. offence is found to be covered under sections 25/54/59 Arms Act. A written note is prepared and for registration of FIR same is forwarded to the Police Station by hand through HC Baljit Singh 1508. FIR be registered and No. of the same be intimated. SHO of the police station and police control room be intimated. I ASI, learnt the physical description of accused Balram Sharma very clearly from the special informer and then the special informer was relieved. I, explained this information to the police party and I, employees proceeded ASI along with police near towards H20 Gym Batala Road to conduct enquiry and raid. Area near sewerage drain Mustfabad Batala Road Amritsar at 12:30 AM."

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the main accused is Balram Sharma, in whose possession the unlicensed fire arm was recovered and during his investigation, he has named 7 to 8 person including the present petitioner with the allegation that the petitioner is the supplier of such fire arm though there is no evidence or material with the investigating

agency to establish the said commissioning of the offence at the behest of the petitioner.

He undertakes that the petitioner will join the investigation and cooperate with the investigating agency.

Notice of motion.

On behalf of the State

Mr. Jaspal Singh Guru, AAG, Punjab accepts notice on behalf of the respondent State and on instructions from ASI Malkeet Singh, seeks dismissal of the instant petition on the ground that the petitioner is actually the supplier of the fire arm which was recovered from the co-accused Balram Sharma, on whose disclosure statement, the present petitioner has been nominated as an accused.

He would seek custodial interrogation of the petitioner asserting that material information is required to be extracted including the source of fire arm from where he has been purchasing and further providing it to co-accused Balram Sharma.

4. **Analysis**

Be that as it may, though there is no direct evidence against the petitioner as has been candidly conceded by the State counsel except the disclosure statement made by co-accused Balram Sharma, it would be unjust to seek custody of the present petitioner who otherwise is ready and willing to join the investigation.

5. **Decision**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of

personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, 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 a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

20.12.2024

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No