



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

251

CRM-M-675-2025

Date of decision: 15th January, 2025

Raja Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. R.S. Sidhu, Advocate for the petitioner.

Ms. Swati Batra, Deputy Advocate General, 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. 56 dated 13.09.2024 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, Amritsar.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that as per the allegations, on receipt of a secret information, on 13.09.2024 to the effect that accused Raja Singh (petitioner) and Jarman Singh were engaged in sending consignment of weapons through drones in the cross border area and were having large consignment of weapons at that time for the purpose of distribution thereof on instructions of smugglers from Pakistan, a raiding party was immediately formed which reached at the



informed place and apprehended the present petitioner with the co-accused Jarman Singh, while they were riding a bike. On conducting their search, one pistol each of GLOCK 9 MM, make with magazine was recovered from the custody of both of them. Three live cartridges each were found loaded in those pistols. The petitioner and co-accused were formally arrested. The petitioner suffered disclosure statement to the effect that he was indulged in illegal smuggling of weapons across the border and used to pick up weapons dropped by drone on the Indian soil and used to sell them further. Investigation has since been completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery has been planted upon him. He is in custody since 13.09.2024. The subject offence is triable by Magistrate. No material has been collected by the Investigating Agency to show that he was indulged in any cross border illegal activities of smuggling weapons. Trial is likely to take time. His further detention would not serve any useful purpose. He does not have any criminal antecedents. Co-accused Jarman Singh has been extended benefit of bail. On parity, he too deserves to be released on bail. Therefore, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned Deputy Advocate General, Punjab, who has advance notice of the petition, has submitted that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be given concession of bail.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.



6. The petitioner is alleged to be found in conscious possession of a GLOCK make pistol of 9MM along with three live cartridges on 13.09.2024. Investigation has since been completed. There is no material on record to show that the petitioner was in association with smugglers from cross border area or was instrumental in anti national activities in any manner. He does not have any criminal antecedents. The trial may take time. His further detention would be of no gain. In view of the above discussed facts, but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

15th January, 2025

Parveen Sharma

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

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