



CRM-M-3638-2025

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

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CRM-M-3638-2025

Date of decision: 28th January, 2025

Sukhchain Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Barjesh K. Sharma, Advocate and
Ms. Shiwani, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant 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. 09 dated 30.03.2024 registered under Sections 25, 25(7) of Arms Act and Section 120-B of IPC at Police Station Sadar State Special Operations Cell, SAS Nagar, District Mohali.

2. As per the allegations, on 30.03.2024, on receipt of a secret information to the effect that the petitioner along with the co-accused who constituted a gang, had brought illicit weapons from Madhya Pradesh and were planing to commit some crime. It was also informed that they were going from Haryana towards Punjab, while carrying a huge consignment of illegal weapons in a swift make vehicle and could be apprehended. Believing the secret information to be true, a raiding party was immediately



formed. The swift car was intercepted. The petitioner along with co-accused were apprehended. On conducting search, one pistol of .32 bore having two live cartridges was recovered from the petitioner. Total recovery of 9 pistols of .32 bore along with magazines and 8 live cartridges was effected from them. The petitioner and co-accused were formally arrested. Investigation has since been completed and they are facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 01.04.2024. No evidence has been collected by the prosecution to show that the petitioner was a member of some gang. The ingredients of offence under Section 25(7) of Arms Act are not attracted. Co-accused have been extended benefit of regular bail. On parity, he too deserves to be released on bail. Trial is likely to take time. Therefore, it is urged that the petitioner deserves to be released on bail.

4. Status report has been filed by respondent-Assistant Advocate General, Punjab. It is argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit 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 in custody since 01.04.2024. Investigation stands completed. Trial is likely to take time. It is only on the basis of thorough evaluation of the evidence to be produced during trial that it can be determined, as to whether, the petitioner was a member of an organized



crime syndicate or not. Co-accused, whose case was on similar footing have since been extended benefit of regular bail. Keeping in view the period of incarceration of the petitioner and the above discussed facts but without meaning to make any comment on the merits of the case, 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

28th January, 2025
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |