



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

298

CRM-M-4526-2025

Date of decision: 27th February, 2025

Mukhtiar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. R.S. Sekhon, 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. 105 dated 01.05.2022 registered under Sections 25(7) and 8 of Arms Act, 1959 at Police Station Civil Lines Bathinda, District Bathinda.

2. As per the prosecution version on 01.05.2022, a secret information was received by a police party headed by SI Kulwinder Singh to the effect that the accused Balkarn Singh @ Vicky, Lovepreet Singh and Himatveer Singh were engaged in the activity of providing arms and ammunition to gangsters in Bathinda City, by procuring the same from Madhya Pradesh and Uttar Pradesh and on the same day also, they were



roaming around in the city in a car and could commit some untoward act. Believing the secret information to be true, nakabandi was immediately laid. Information was sent for registration of FIR. Sometime thereafter, a car of i20 make bearing registration No. PB-28G-7394, was seen coming from truck union side. Signal was given by police party to stop the vehicle but the occupants of the same tried to take it on reverse gear. They were nabbed. On asking they disclosed their names and particulars. On conducting their search, one foreign made 30 bore pistol, 3 live cartridges and one magazine were recovered from the accused Lovepreet Bajaj @ Sachin. One .32 bore along with magazine and three live cartridges were recovered from the custody of co-accused Himatveer Singh and two pistols and three cartridges were recovered from custody of accused Balkaran Singh. They were formally arrested. During interrogation, the accused Lovepreet Bajaj @ Sachin suffered disclosure statement that his relatives residing in Rajasthan had links with smugglers from Pakistan and he along with co-accused used to supply weapons after bring the same from there. He also disclosed about the complicity of the present petitioner, on the basis of which, the present petitioner was nominated as an accused. He was arrested on 06.05.2022. One country made pistol .32 bore pistol and live cartridges were recovered from him. Presently, the petitioner along with the co-accused is 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 06.05.2022. The remaining three accused have been extended benefit of bail. His case is at



better footing than their case, since he has been nominated as an accused on the basis of disclosure statement of co-accused. A false recovery has been planted upon him. Accordingly, it is urged that he deserves to be released on bail.

4. Status report has been filed by respondent-State. Learned Assistant Advocate General, Punjab has argued that the petitioner is a habitual offender as three more cases are pending against him. There are chances of petitioner's absconding, if he extended benefit of bail. Allegations against him are serious in nature as he had been supplying assault weapons to the gangsters. Therefore, it is urged that the petition does not deserve to be allowed.

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 06.05.2022. The co-accused who were booked on similar allegations have been extended benefit of regular bail. On parity, the petitioner too deserves to be given same benefit. Trial is likely to take considerable time. His further incarceration would not serve any useful purpose. It is well settled proposition of law that bail is the rule and jail is an exception. In view of the above discussed facts, I am of the considered opinion that the petitioner deserves to be released on bail. Accordingly, the petition 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. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

27th February, 2025
Parveen Sharma

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