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

(201)

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Date of Decision : 31.01.2025

Lovepreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

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

Mr. Sahil R. Bakshi, AAG, 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 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 *Illaqa* Magistrate.”

3. A perusal of the above, reflects that three Glock pistol, including four rounds of bullets, and further, Rs.4.80 lakhs drug money, has been recovered, from the present petitioner-Lovepreet Singh.

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 04 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 one other criminal case, under the NDPS Act, in which, he is on bail;
- (v) the final report under Section 173 Cr.P.C., has already been filed on dated 27.11.2024;
- (vi) in the final report total 15 prosecution witnesses have been cited by the prosecution;
- (vii) the conclusion of trial will take long time;

5. Learned counsel for the petitioner submits that the petitioner was arrested on dated 29.08.2024, and the case of the petitioner is on a co-equal pedestal with the co-accused namely, Nirvail Singh @ Raveela, who has



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already been extended the relief of regular bail, by this Court, vide order dated 18.12.2024 (Annexure P-3). He further submits that though the petitioner is stated to be involved in one other criminal case, however, in that case, he is on the bail. He also submits that in the instant FIR, the petitioner has undergone incarceration of more than 04 months, as on today, and the trial is yet to commence, and charges are yet to be framed, in the instant matter.

6. Notice of motion.

7. Mr. Sahil R. Bakshi, AAG, Punjab, waives service and accepts notice on behalf of the respondent-State of Punjab.

8. Learned State counsel has placed on record the custody certificate dated 30.01.2025, *qua* the petitioner, which is taken on record. A perusal of the same reveals that the petitioner has undergone incarceration of 04 months and 27 days, precisely, as on today.

9. Learned State counsel, on instructions imparted to him by the investigating officer concerned, submits that in the present case, the final report under Section 173 Cr.P.C., had already been filed on dated 27.11.2024, whereas, charges are yet to be framed. He also submits that in the final report, total 15 prosecution witnesses have been cited by the prosecution.

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

11. At this stage, without commenting upon the merits of the present case, and considering the fact that the petitioner has already undergone incarceration of more than 04 months, as on today, and the trial is yet to commence, coupled with the fact that co-accused namely, Nirvail Singh @ Raveela, has already been extended the relief of regular bail, by this Court,



therefore, this Court deems it fit and appropriate to extend the relief of regular bail to the present petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed.**

12. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate, concerned.

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

14. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

January 31, 2025
Manpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No