



CRM-M-6598-2025 (O&M)

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In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-6598-2025 (O&M)

Date of Decision: 11.02.2025

AVNINDEER SINGH ALIAS HONEY

.....PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr.A.S.Barnala, Advocate for the petitioner.

Mr. Ishan Kaushal, AAG, Punjab.

PANKAJ JAIN, J (ORAL)

1. Present petition has been filed under Section 483 BNSS for grant of regular bail to the petitioner in case bearing FIR No.35 dated 30.05.2023, registered for the offences punishable under Section 21 of the NDPS Act and Section 25 of the Arms Act at Police Station Mehal Kalan, District Barnala.
2. As per contents of the FIR, it was alleged as under:-

“Copy of Ruqa, "Officer Incharge Police station Mehal Kallan Fateh. Today I INSP/SHO alongwith ASI Sukhwinder Singh No.696/Barnala, S/CT Gurpreet Singh No.288/Barnala, S/CT Kulwant Singh No.217/barnala, PHG Lakhvir Singh No. 47929 were present at nearby Toll Plaza Mehal Kallan in connection with patrolling and searching the bad elements alongwith laptop, printer and investigation kit. Then at around 5:00 PM that one secret informer came present before me INCP/SHO and gave information that Manpreet Singh @ Kaku son of Gurdev Singh, resident of



Brahmpur, Police Station Sadar Raikot, aged about 36 years, round face, bearded man and wearing a turban, Avninder Singh @ Honey son of Nirmal Singh, resident of Ghangas, Police Station Payal aged about 34 years, thin body. no beard and no long hairs, Mauli Bobby Singh Khalsa son of Kuldeep Singh, resident of Kulahi Kallan, Police Station Malout aged about 42 years bearded man and wearing a turban. Those who bring drug powder from outside at a cheap price and drive their vehicle number DL 4CP 1480 brand Honda City, color silver and sell it to drug addicts in the village at high prices. Those who have kept illegal weapons with them due to drug business, which are still coming from Bridge Canal Kalayaan towards Qutba, Dadharhur Bahmania, if this side canal is blocked now, then the person can be apprehended with the vehicle number and drug powder and illegal weapons. Information is true and correct. Abovesaid persons committing offence under Sections 21/61/85 of NDPS Act, 25/54/59 of Arms Act by having possession of narcotic powder and selling it and possessing illegal arms, in which rukka has been sent to the Police Station for registration of FIR against Manpreet Singh @ Kaku son of Gurchet Singh, resident of Brahmpur, Police Station Sadar Raikot, Avninder Singh @ Honey son of Nirmal Singh, resident of Ghangas, Police Station Payal Mauli Bobby Singh @ Khalsa son of Kuldeep Singh, resident of Kulahi Kallan, Police Station Malout by writing an under Sections handed over to the S/Ct Kulwant Singh No. 217/Barnala. After registration of FIR, FIR number be informed. Information is being sent to the Control Room Barnala. 1 INSP/SHO alongwith police employees were departed to the spot for blockade and recovery at Bridge Canal Qutba, towards. Nearby Toll Plaza Mheal Kallan AT



5:40 PM, Sd/ Kamaljit Singh INSP SHO of Police Station Mehal Kalan, dated 30.05.2023. On the receiving of the ruqa, FIR No. 35, dated 30.05.2023, under Sections 21, 61, 85 of NDPS Act and Sections 25, 54, 59 of Arms Act, Police Station Mehal Kallan has been registered against Manpreet Singh @ Kaku son of Gurchet Singh, resident of Brahmpur, Police Station Sadar Raikot, Avninder Singh @Honey son of Nirmal Singh, resident of Ghangas, Police Station Payal, Mauli Bobby Singh Khalsa son of Kuldeep Singh, resident of Kulahi Kallan, Police Station Malout. Record has been recorded. Information is being sent to the Control Room Barnala through E-Mail. Original ruka alongwith copy of FIR is being sent to the INSP Kamaljeet Singh 599/Barnala through S/CT Kulwant Singh 217/Barnala for further investigation.”

3. The petitioner is an accused of being in conscious possession of 140 grams intoxicant powder, 02 pistols, .32 bore and 10 live cartridges of .32 bore. As per the custody certificate, he is behind bar for more than 01 year, 07 months and 17 days.
4. Counsel for the petitioner submits that there is no prior sanction as per the mandate of Section 39 of the Arms Act. Thus false implication of the petitioner cannot be ruled out. He further submits that the contraband recovered from the petitioner is of intermediate quantity and thus rigors of Section 37 would not be attracted.
5. Learned State counsel submits that the petitioner is habitual offender of having 7 more cases. It is not disputed that the challan stands presented. Out of 14 prosecution witnesses, 04 could be examined by now and 03 have been given up.



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6. Keeping in view the aforesaid facts and circumstances of the present case and the trial is not likely to conclude in the near future, the instant petition deserves to be allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any with the trial Court.
- (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.
- (vii) The petitioner shall not in any manner try to delay the trial.

7. In case of breach of any of the aforesaid conditions and those which may be imposed by the Trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.

8. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

11.02.2025
A.Kaundal

Whether speaking/ reasoned :
Whether Reportable :

Yes/No
Yes/No