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

CRM-M-61212-2024

Date of Decision: 14.01.2025

Gurmukh Singh

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Himmat Singh Deol, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Sr. DAG, Punjab.

N.S.Shekhawat J.

1. The petitioner has filed the present petition under Section 482 of the **B.N.S.S** with a prayer to grant anticipatory bail to him in case FIR No.79, dated 28.09.2024, under Sections 312,311,111,223,55 of B.N.S and under Section 25(6), 25(7),27 of Arms Act, registered at Police Station Bajakhana, District Faridkot (Annexure P-1).

2. The FIR in the present case was registered on the basis of the statement made by Gurmej Singh, ASI and the same has been reproduced below:-

“To SHO Police Station Bajakhana, Jai Hind. Today myself SI alongwith S.I. Harjinder Singh 231, Constable Arshdeep Singh 90, Lady Constable Manpreet Kaur 592 and P.H.G. Pinder Gill 23323 in a Government Vehicle bearing No.PB-02-AS-5727, whose driver is PHG Gurdeep Singh 23483, for patrolling and the search of anti social elements, at Bargari, Sarava, Behabal Khurd, Behbal Kalan etc. when the police party reached NH-54 near



Dashmesh Global School it was around 06:20 PM, that special informer by stopping the vehicle informed to myself S.I. that at this time near the Tibbi Gurudwara, near Dana Mandi, vehicles have been standing. One Swift car No.PB- 04-U-9338 and second Fortuner car, colour white, I could not read the number, near the car Harsimrandeep Singh alias Simma son of Gurmukh Singh resident of Behbal Kalan is standing, who is a member of Bambiha group. Who has come out from jail on bail for some time back and now alongwith him Gurmukh Singh S/o Makhan Singh, Jaskaran Singh @ Jass S/o Surjit Singh, Lovedeep Singh son of not known, Pinder Maur son of not known, residents of Behbal Kalan, Akashdeep Singh @ Aakash S/o Mandeep Singh R/o Nanaksar, Laadi S/o Darshan Singh R/o Village Dhilwan, Happy Godara son of not known, and 2-3 more unknown persons are standing there. Who are in possession of illegal arms. All these persons at the behest of Harsimrandeep Singh @ Simma may attempt-some big occurrence, or extortion from some person or they may cause financial or life loss to someone. If a raid is conducted now, then huge quantity of arms and ammunition could be recovered from them and the expected occurrence can be avoided. The information being correct and authentic fulfil the offence under section 312/11/223/55 BNS 25 (6,7)/27/54/59 Arms Act. Upon this by writing a for registration of case against 1)Harsimrandeep Singh alias Simma son of Gurmukh Singh resident of Behbal Kalan, 2)Gurmukh Singh son of Makhan Singh, 3)Jaskaran Singh alias Jas son of Surjit Singh, 4)Lavdeep Singh son of not known, 5)Pinder Maur son of not known resident of Behbal Kalan, 6)Akashdeep Singh alias Akash son of Mandeep Singh resident of village Nanaksar, 7)Ladi son of Darshan Singh resident of village Dhilwa Kalan, 8)Happy Godara son of not known and 2-3 other unidentified persons is being sent to Police station through P.H.G.

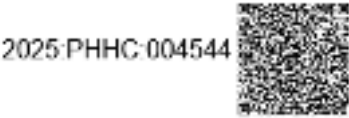


Pinder Gill No.23323. After registration of case, case number be intimated. Special Reports be issued. P.C.R. and Senior Officers be informed. I, alongwith fellow employees departed to the place disclosed by the informer. Sd/- Gurmej Singh ASI)”.

3. Learned counsel for the petitioner contends that the story projected by the police in the FIR is totally false and the FIR is an instrument of misuse of process of law. In fact, at about 09:00 AM on 28.09.2024, a meeting of the entire village of Behbal Kalan was convened at a common place and thereafter, another meeting was held at the house of petitioner and unanimously resolved that the petitioner would be appointed as a Sarpanch of the village. At about 11:30 AM, 30/40 police officials raided at the house of the petitioner and started beating the petitioner and other villagers. Even, they had removed the DVR in the cameras from the house of the petitioner. The petitioner was also brutally beaten up by the police and he has suffered fracture on his left foot. Learned counsel further contends that the FIR in the present case has been registered against the petitioner and other persons at the instance of the local M.L.A of the ruling party, who did not want the petitioner to contest for the post of Sarpanch. Even the villagers had moved a representation dated 08.10.2024 (Annexure P-5) to higher police officials, but no action was taken against the erring police officials.

4. Pursuant to the notice, a reply by way of an affidavit of Deputy Superintendent of Police, Sub Division Jaitu, District Faridkot has been filed and the same was taken on record.

5. Learned State counsel submits the police had received a secret



information on 28.09.2024 that Harsimrandeep Singh @ Sima son of Gurmukh Singh, resident of Behbal Kalan, a member of notorious *Bambiha* gang was present along with certain hardened criminals at Grain Market, Near Gurudwara Tibbi Sahib in two vehicles and they were in possession of large catche of arms and ammunition and may commit any offence or may harm others. They were having large number of weapons and ammunition. The police conducted raid at the specified location and Akashdeep Singh @ Akash and Jaskaran Singh @ Jass were arrested at the spot and the remaining accused fled away from the spot. On search, Akashdeep Singh @ Akash got recovered two live cartridges belts i.e. each containing 10 live cartridges of 30 bore and second containing 25 live cartridges of 32 bore. From the search of Jaskaran Singh @ Jass, co-accused one 12 bore along with two live cartridges were recovered from him. The I.O also recovered 18 live cartridges of 12 bore from the bag carried by him. The raid also led to recovery of currency notes of Rs.2,07,000/- and one telescope at that time. It is apparent that all the hardened criminals had assembled at one place to commit a serious crime and they were arrested at the spot. Still further, the police also found a picture of Akashdeep Singh @ Akash with a pistol in his hand and he disclosed that the pistol, which was showing in his hand was delivered by Sukh and Bhau, both criminals. Learned State counsel further submitted that the petitioner was involved in four more criminal cases as per the following details:-

Sr. No.	FIR No.	Under Section
1	68 dated 17.06.2024	25/27 Arms Act, P.S Bajakhana



2.	05 dated 07.01.2015	7/13 Prevention of Corruption Act, P.S SAS Nagar, Mohali
3.	88 dated 12.06.2015	302,506, 120-B, 34 of IPC, P.S Baghapurana
4.	280 dated 03.12.2018	42, 52-A Jail Act, P.S City Faridkot

Learned State counsel further submitted that the petitioner is a member of notorious *Bambiha* gang and were acting at the dictates of Harsimrandeep Singh @ Sima, who was also present at the spot and the following cases were registered against him:-

Sr. No.	FIR No.	Under Section
1	68 dated 17.06.2024	25/54/59Arms Act, P.S Bajakhana
2.	68 dated 05.06.2015	25/27/54/59Arms Act, 341, 336,506,148,149 of IPC, P.S Bajakhana
3.	88 dated 12.06.2015	25/27Arm Act,302, 307,506,120-B of IPC. P.S Bajakhana
4.	38 dated 06.05.2016	25/27Arms Act, 307,436 of IPC P.S Jaitu
5.	15 dated 12.01.2017	25 Arms Act, 302,307,148,149 of IPC P.S Sadar Dabwali
6.	21 dated 07.02.2017	25 Arms Act, 379, 148,149 of IPC P.S Jaitu
7.	13 dated 08.02.2017	382,34 of IPC P.S City Raikot
8.	66 dated 27.05.2017	380,457 of IPC P.S City Raikot



9.	111 dated 29.07.2017	25 Arms Act, 302,120-B of IPC of IPC P.S Jaitu
10.	127 dated 15.09.2017	25 Arms Act, 384,386,201 of IPC, P.S City Kotkapura
11.	140 dated 05.10.2017	25 Arms Act, 382,506,34 of IPC, P.S Sarhind
12.	188 dated 15.11.2017	25 Arms Act, 394, 506, 34 IPC, P.S Srabha Nagar (Ludhiana)
13.	262 dated 10.12.2017	25 Arms Act, 412 IPC, P.S Chhachrouli, Haryana
14.	194 dated 14.12.2017	25/27 Arms Act, P.S Nihalsingh Wala
15.	156 dated 22.12.2017	25 Arms Act, 392, 384, 382, 379-8, 473, 506, 216, 148, 149 IPC, 22 NDPS Act, P.S Shambhu
16.	07 dated 01.01.2018	25 Arms Act, PS Uttarkhand
17.	12 dated 28.01.2018	22 NDPS Act, P.S Jaitu
18.	55 dated 21.06.2018	387, 506 IPC, 52-A Jail Act, P.S Bajakhana
19.	177 dated 23.06.2018	323, 353, 148, 149 IPC, PS Division 7, Ludhiana
20.	14 dated 31.01.2019	31-52-A Jail Act, P.S Kotwali Kapurthala
21.	17 dated 07.02.2019	52-A Jail Act, P.S Kotwali Kapurthala
22.	121 dated 20.08.2019	7,13(2) P.C Act, P.S City Sangrur

23.	33 dated 18.02.2021	52-A Jail Act, City Sangrur
24.	58 dated 15.06.2022	25 Arms Act, 386,506,307,353,186 of IPC, Sadar Banga
25.	129 dated 23.08.2022	353,186,506,427 of IPC, P.S Cantt. Bathinda
26.	25 dated 21.04.2023	25 Arms Act, P.S City Morinda

Learned State counsel further submitted that the police has been able to only arrest three accused out of total nine accused and the remaining six accused are absconding with large quantity of illegal arms and ammunition and they pose a great threat to the society at large. Even the petitioner is a habitual offender and is a very clever person. In case, if the benefit of pre-arrest bail is allowed to him, it would not only hamper the investigation, but would also not reveal the source of supply of illegal arms and ammunition.

6. I have heard the rival contentions made by learned counsel for the parties and perused the record carefully.

7. In the present case, it is apparent that the petitioner and his co-accused had assembled and were having in their possession of illegal fire arms and ammunition, which clearly suggests that they were involved in organised criminal activity. During the course of investigation, it has been found that the petitioner and other co-accused are also allegedly members of a notorious *Bambiha* gang and they were planned to commit extortion and other serious offences. Still further, it is a matter of common knowledge that the such

organized criminal activities are on the rise in the State of Punjab and need to be curbed with an iron hand.

8. Keeping in view the gravity of the matter, the present petition is accordingly ordered to be dismissed.

14.01.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

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