

**IN THE COURT OF VIKRANT KUMAR,
ADDITIONAL SESSIONS JUDGE,
VACATION JUDGE,
MOGA (UID No.PB00213).**

CNR No. PBM0010035332023
CIS Filing No.BA/1286/2023.
Date of order : 21.06.2023.

State Versus Akashdeep Singh Dhaliwal alias Gagan son of
 Jagsir Singh resident of Bukanwala Road,
 Backside Rajindera Estate, Moga, District
 Moga.

----Applicant-accused

FIR No.67 dated 10.04.2023.
Under Sections : 25(6),25(7),25(8) Arms Act
(Offence under Sections 473,489 IPC added
lateron)
Police Station : City South, Moga.

Bail Application under Section 438 Cr.P.C.

Present :- Shri Rupinder Singh Brar, Advocate for accused-applicant
 Akashdeep Singh Dhaliwal alias Gagan
 Shri Anshuman Syal, Additional Public Prosecutor for State.

-.-.-

ORDER

1. Bail application presented before me being Vacation Judge, Moga.
2. The brief facts of the case, which require consideration for disposal of the present bail application are that present FIR has been lodged on the allegations that the police party headed by ASI Varinder Kumar held nakabandi at T-point Kotkapura Bye-pass, Near Radha Swami Dera, Moga where he received a secret information that Davinderpal Singh @ Gopi has formed a gang for demanding ransom from the businessman of the city. Prajvil Sethi @ Shiv, Deepak@ Monu (applicant-accused), Gurdarshan Singh @ Lovely and Akashdeep Singh Dhaliwal @ Gagan used to work for the gang of Davinderpal Singh @ Gopi, who were also having arms and ammunition and two motorcycles

bearing No.PB-29/N-0874 and PB-29/AB-1477 and at that time, they were present at Baba Malan Shah Dera. If raid is conducted, the aforesaid persons can be apprehended alongwith illegal weapons. On the basis of said ruqa, FIR was registered. Thereafter, raid was conducted and accused-applicant along with co-accused was apprehended and one country made 315 bore pistol along with two live cartridges, one country made pistol of 32 bore with four live cartridges and two motorcycles bearing No.PB-29/N-0874 and PB-29/AB-1477. Thereafter, accused-applicant was released on regular bail, vide order dated 18.05.2023. Later on, vide DDR No.22 dated 13.06.2023, offence under Sections 489,473 IPC were added. Now apprehending his arrest, accused-applicant has filed the present pre-arrest bail application.

3. Learned counsel for accused-applicant has submitted that applicant was arrested in this case on 10.04.2023, but nothing was recovered from him. Later on he was released on bail. Now police is raiding at the house of applicant illegally and want to re-arrest him stating that they have added offence under Sections 489,473 IPC. So, custodial interrogation of accused-applicant is not required. He prayed for acceptance of pre-arrest bail.

4. On the other hand, learned Additional Public Prosecutor submitted that allegations against the applicant-accused is serious in nature. As such, his custodial interrogation is required and prayed for dismissal of bail application.

5. I have heard learned counsel for the applicant-accused as well as learned Additional Public Prosecutor for the State & gone through the record

6. From perusal of FIR, allegation against accused-applicant is that he along with co-accused was found in possession of one country made 315 bore pistol along with two live cartridges, one country made pistol of 32 bore with four live cartridges. Besides this, two motorcycles bearing No.PB-29/N-0874 and PB-29/AB-1477 were also recovered from their possession. During investigation, chassis number of motorcycle bearing No.PB-29/N-0874 was found tampered, which has been done

with intention to commit forgery. Since, the accused-applicant was bailed-out after spending sufficient time behind bars, therefore, no useful purpose will be served by declining pre-arrest bail to him after addition of impugned Sections, particularly when he can be directed to join investigation. Thus, accused-applicant is directed to join the investigation by presenting himself before Investigating officer and in the event of his arrest, he be released on interim bail on furnishing bail bonds to the satisfaction of Investigating/Arresting Officer. The applicant-accused shall also abide by all the terms & conditions as specified in Section 438(2) of the Cr.P.C. Now to come up on 26.06.2023, for awaiting the outcome of investigation.

Pronounced.
Dated :- 21.06.2023.
Gagandeep, Stenographer-II

(Vikrant Kumar)
Additional Sessions Judge,
-cum-Vacation Judge,
Moga (UID No.PB00213).