

PBGD010038012025



Presented on : 21-04-2025
Registered on : 21-04-2025
Decided on : 25-04-2025
Duration : 0 years, 0 months, 4 days

**IN THE COURT OF
ADDITIONAL SESSIONS JUDGE,
AT Gurdaspur
(Presided Over by Sh. Raman Goklaney)**

BA/1580/2025

Indras Masih son of Sh. Amenual Masih, resident of Village Bishniwal,
Tehsil Batala, District Gurdaspur..

...Applicant/accused.

Versus

State of Punjab

...Respondent.

**First Application for bail U/s 483 Bharatiya Nagarik Suraksha
Sanhita, 2023 for grant of regular bail.**

FIR No. 24 dated 03.04.2025

Under Sections : 25, 27 of Arms Act and 55/61(2), 3(5) and 111 of BNS.
Police Station : Ghanie Ke Banger.

Present : Sh. B.S.Simble, Advocate, for accused-applicant.
Sh. Amit Aulakh, Additional Public Prosecutor for State.

ORDER :-

1. This order would dispose of the first regular bail application filed by accused/applicant in case FIR No.24 dated 03.04.2025, under Sections 25, 27 of Arms Act and 55, 61(2), 3(5) and 111 of BNS, registered at Police Station Ghanie Ke Banger, Police District Batala, District Gurdaspur.

Raman Goklaney,
Addl. Sessions Judge, Gurdaspur
Dated: 25.04.2025

2. The facts in brief for disposal of the present bail application are that FIR in question registered on the accusation that when the police party headed by ASI Kulwinder Singh was patrolling and reached in the area of Village Bishniwal, then the police party noticed one motor-cycle with two young men near-T-point Bishniwal. Upon being signaled to stop the motor-cyclists attempted to reverse the motor-cycle and police party apprehended both the individuals and during search one Magazine was recovered from the Capree of motor-cyclist Abhi Masih son of Balwinder Masih and from the young man sitting pillion seat, 05 live cartridges recovered from left pocket of his pant. The pillion rider disclosed his name as Indras Masih when both the young men apprehended with Magazines and life cartridges and could not produced any license or bill, then FIR in question has been registered. After registration of the FIR, investigation ensued and one pistol and six live cartridges recovered from accused Abhi. ASI Anand Singh who appeared before this Court stated that the investigation conducted so far revealed 05 more accused in the FIR in question. He stated that on disclosure of both the accused, other accused namely Sukhnoor@ Suba, Sarwan Singh @ Jiwan Fauji, Gagadeep Singh, Amarpreet Kumar and Binian @ Binni nominated in the FIR in question vide rapat No. 14 dated 04.04.2025 besides addition of offence Sections 55, 61(2), 3(5) and 111 of BNS. It has come in the disclosure statement that Indras Masih and Abhi have been instructed to kill Dinesh Kumar @ Bobby.

3. Sh. Bikramjit Singh Simble, Advocate, learned counsel for the accused-applicant submitted that false case has been foisted upon the applicant. It is next submitted that accused-applicant having clean antecedents and there are no specific accusation against the accused-applicant and even no overt act is attributed to applicant. Learned counsel next submitted that completion of investigation and conclusion of trial would take considerable long time and keeping the accused-applicant behind the bars for indefinite period would not serve any purpose and with these submissions, prayer is made for grant of concession of regular bail.

4. Per contra, learned Addl. P.P. for the state opposed the bail application on the ground that on the ground that modus of gangster operating from outside India namely Sarwan Singh @ Jiwan Fauji and Sukhnoor Singh @ Suba to get their plans executed by hiring/instructing the young men and now the components of the fire arm/ammunition have been distributed. It is next contended that accusations against the accused-applicant are serious and investigation of the case is at nascent stage and releasing the accused-applicant on bail at this stage would hamper the investigation besides free and fair trial. With these submissions prayer is made for dismissal of the bail application.

5. After hearing the rival contentions of the parties and from the perusal of the record, it emerges out that accused-applicant has been apprehended in the present case with five live cartridges. Necessary tools for violence i.e. firearms and ammunition have been disseminated

amongst members of group. Recovery of cartridges from applicant suggests a strong inference about his involvement and understanding of criminal scheme. Disclosure made by present accused-applicant points towards involvement in organized criminal activities and further serious nature of the disclosed intention. The gravity of alleged offence is significantly beyond mere possession of live cartridges. Releasing the accused-applicant at this stage, could potentially impede the ongoing investigation more so when the other accused involved in the FIR are still at large. Keeping in view the allegations of involvement in organized criminal activities and investigation of case is at nascent stage, this Court is not inclined to grant concession of bail to accused-applicant at this stage. Accordingly, the present bail application is dismissed.

6. It is made clear that observation made herein above shall not construed as an expression on the merits of the main case. Police record be returned and bail application file be consigned to the record room.

Date of order:-25.04.2025

Iqbal Singh, JW-I.

(Raman Goklaney)
(UID No. PB-0687)
Additional Sessions Judge,
Gurdaspur.