

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-14794 of 2015

Date of decision:28.05.2015

Radha Krishan Petitioner

Versus

State of Haryana Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Ram Bilas Gupta, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Navita Singh, J. (Oral)

This petition has been moved by Radha Krishan under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No.290 dated 10.6.2013 registered under Sections 25(1)AA, 54 and 59 of Arms Act at Police Station Mujessar, District Fardiabad.

The petitioner is in custody since 10.6.2013. He along with three other persons, namely, Ramesh, Chetan and Sonu Khan was found manufacturing in illegal arms. The place where the illegal activity was being carried out was raided on the basis of secret information.

It is submitted by counsel for the petitioner that co-accused Chetan was granted bail by this Court on 20.2.2015 and the case of the petitioner is identical to that of Chetan and other two persons as four of them were found indulging in the same offence.

State Counsel submits that evidence stands recorded but an application has been moved by the prosecution for transfer of the case from the Court of Judicial Magistrate to the Court of Sessions.

If the application moved by the prosecution is allowed, the trial

will take longer time to conclude. Also, it cannot be said that the case of the petitioner is in any different form from co-accused Chetan, who was granted bail more than three months earlier.

On query, State Counsel submits that according to her instructions, there is no other criminal case pending against the petitioner nor he is a previous convict.

In view of the above, the petition is allowed. Bail to the satisfaction of the trial Court/ Duty Magistrate.

28.05.2015
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(NAVITA SINGH)
JUDGE