

CRM No. M-19279 of 2015

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

CRM No. M-19279 of 2015

Date of Decision: June 11, 2015

Angrej Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. P.S. Hundal, Senior Advocate with
Mr. Deep Singh, Advocate
for the petitioner.

Ms. Monica Chibber Sharma, DAG, Punjab.

Mr. Ranjan Lakhanpal, Advocate
for the complainant.

AUGUSTINE GEORGE MASIH, J. (Oral):

It is the contention of learned Senior Counsel for the petitioner that the charge against the petitioner is under Section 29-B of the Arms Act only, although, the FIR registered under Section 302 IPC read with other provisions of the Arms Act is against the principal accused Gurmeet Singh. Copy of the charge dated 06.05.2015 (Annexure P-2) has been referred to in this regard. Counsel contends that the petitioner is in custody for more than 5½ months. He contends that the petitioner was not actively involved in the commission of the offence and the actual allegation against the petitioner is that his .32 bore revolver is used in the commission of the offence.

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Counsel for the State has produced the custody certificate of the petitioner which indicates that the petitioner is in custody for 4 months and 19 days as on 10.06.2015. The other factual assertions could not be disputed by her, however, on instructions from ASI Prithpal Singh, Phase-I, Mohali, she states that the main accused Gurmeet Singh has posted some threats to the witnesses on internet, for which, a separate FIR has been registered and therefore, the petitioner, if enlarged on bail, may also indulge in some illegal activities. She further informs the Court that out of total 29 witnesses, five witnesses have been given up and 12 witnesses have been examined and therefore, 12 witnesses are to be examined. Except for one witness, all other are official witnesses.

Counsel for the complainant has vehemently opposed the prayer of the counsel for the petitioner and has asserted that, at this stage, it cannot be stated that the petitioner was not involved in the commission of the offence.

On considering the submissions made by the counsel for the parties and also keeping in view the fact that the charge framed against the petitioner is under Section 29-B of the Arms Act and he has been in custody for more than 4 months and 19 days, the petitioner is directed to be released on bail to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Mohali.

June 11, 2015

Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**