

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-36233-2014(O&M)

Date of decision : 12.01.2015

Hoshiyar Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Sanjeev Manrai, Senior Advocate
with Mr.Partap Sharma, Advocate
for the petitioner.

Ms.Neelam Kashyap, DAG, Haryana.

REKHA MITTAL, J.

CRM-461-2015

Allowed as prayed for.

Annexures P3 to P5 are taken on record.

CRM-M-36233-2014

Hoshiyar Singh, accused in FIR No.312 dated 02.08.2014 registered in Police Station Sadar Rohtak, District Rohtak for offence punishable under Section 25 of the Arms Act prays for grant of regular bail.

As per allegations against the accused, on 02.08.2014 a police party headed by SI Rishi Pal was patrolling at Jind Bye-pass Chowk, Rohtak. A secret information was received that Hoshiyar Singh son of Jai Singh, Satish son of Om Parkash and Dharampal @ Kala son of Joginder were coming from Jind towards Rohtak in car Figo bearing No.HR32-F-

3666 and they have illegal weapons in huge quantity. A Naka was laid at Titoli Chowk and a white Ford Figo car was noticed and signalled to stop. The driver of the car stopped the vehicle at some distance and tried to slip away but was overpowered and disclosed his name as Satish son of Om Parkash and the person sitting on the conductor seat disclosed his particulars as Hoshiyar Singh son of Jai Singh. Search of the boy sitting on the driver seat led to recovery of 32 pistol bore from the right side pocket of the pants and there was one live cartridge in the magazine. A 9 MM pistol was recovered from the right dub of pants of Hoshiyar Singh and there were two live cartridges in the magazine. From the bag which was kept over the knees of Hoshiyar Singh, 11 pistols were recovered which were empty. The recovered weapons, live cartridges and the car were taken into police possession.

Counsel for the petitioner contends that a false case has been planted against the petitioner. The petitioner has already been remanded to judicial custody and therefore, no longer required for the purpose of investigation. The petitioner is ready to face trial in accordance with law when otherwise conclusion of trial is likely to take some time.

Counsel for the State has strongly opposed prayer for bail with the submission that keeping in view huge cache of arms recovered from the petitioner, he does not deserve to be released on bail. However, every effort would be made to ensure presence of prosecution witnesses on the date(s) to be fixed during trial.

I have heard counsel for the parties and perused the records.

As per the allegations, as many as 12 illegal weapons were

recovered from possession of the accused. The petitioner has not alleged any animosity against him by members of the police party to plant such a huge recovery. Keeping in view gravity of the crime, I do not think it to be a fit case wherein the petitioner deserves to be enlarged on bail at this stage. Accordingly, the petition is dismissed.

However, nothing stated in this order shall prejudice the trial Court in disposal of case, on merits.

(REKHA MITTAL)
JUDGE

January 12, 2015.
Davinder Kumar