

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

CRM-M-1207-2016 (O&M)
Date of decision : 24.10.2016

Surinder Sharma @ Teenu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. R.S. Chahal, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by ASI Harbans Lal.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in FIR No.36 dated 05.03.2015, registered under Sections 307, 353 and 186 read with Section 34 of the Indian Penal Code and Sections 25 and 27 of the Arms Act, at P.S. Sadar Fazilka.

Contents that the petitioner is alleged to have been travelling in the vehicle in question carrying one carbine (automatic). The weapon allegedly recovered from the petitioner has neither been sent to the FSL nor any sketch thereof has been prepared. Therefore, there is no evidence to connect the petitioner with the weapon in question. It is a case of no injury. Moreover, no overt act has been attributed to the petitioner. The petitioner has been involved in another FIR under the NDPS Act, on the same day. He is in custody since 05.03.2015.

On the other hand, learned State counsel has opposed the instant petition. On instructions, learned State counsel submits that the

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I attest to the accuracy and
authenticity of this document
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petitioner is a habitual offender and involved in as many as three more FIRs. She further informs that upon presentation of challan, the charges have already been framed and the matter is now fixed for prosecution evidence.

Heard.

The petitioner is behind the bars since 05.03.2015. It is a case of no injury. Out of eight prosecution witnesses, none has been examined so far, therefore, it can safely be inferred that the conclusion of the trial may take time.

In view of the above, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No