

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

CRM-M No.37265 of 2016
Date of decision: 25th October, 2016

Rahul Jaker

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Ms. Sukhpreet Kaur, Advocate for the petitioner.

Mr. J.S. Brar, Asstt. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Rahul Jaker in this petition filed under Section 439 Cr.P.C. seeking regular bail in case FIR No.0050 dated 09.06.2016 registered at Police Station Sadar Rajpura, District Patiala under Sections 399/402 IPC and Section 25 of the Arms Act, are that on 09.06.2016 the petitioner along with his co-accused/non-applicant was apprehended and a Sumba (Wood Carving Chisel) was recovered from his possession.

Contentions of the learned counsel for the petitioner are that the petitioner is in custody since 09.06.2016 and that there is no semblance of evidence for attraction of offence under Sections 399/402 IPC and even applicability of provisions of the Arms Act is of questionable nature.

Though the factual scenario could not be controverted by learned State counsel who has stoutly opposed the grant of relief in question on the ground that one more similar case is pending against the petitioner.

It is own case of the prosecution that they have not heard the petitioner talking to the co-accused and that the semblance of evidence is mere recovery of a Sumba (Wood Carving Chisel) and the very applicability of Sections 399/402 IPC being a debatable issue impels this Court to allow the prayer.

In view thereof, and the fact that the trial will take a long time to conclude, this Court is of the opinion that further detention of the petitioner in the present case is unwarranted. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Patiala.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

October 25, 2016

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No