

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

Date of decision:05.02.2016

Rajesh Kumar @ Rajan

.....Petitioner

v.

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Ms.GK Mann,Advocate for the petitioner

Jaswant Singh,J.(Oral)

Prayer is for grant of regular bail to accused Rajesh Kumar @ Rajan in case FIR no.50 dated 30.4.2015 under Sections 307, 353, 186, 148,149,120-B IPC and Sections 25/54/59 of the Arms Act, PS Nurpur Bedi,Distt.Rupnagar.

As per allegations, on secret information, the police party on the intervening night of 29/30.4.2015,intercepted a Verna Car, transporting the members of a Gang of Jaggu,one hard core criminal, imprisoned as undertrial in the District Jail,Faridkot. The occupants of the Car upon such interception, tried to flee by firing shots at the police officials. In retaliation, the firing of the police led to injury and apprehension of one of the accused,namely, Manpreet Singh. From the said injured/accused Manpreet Singh, one country made pistol i.e. .32 bore revolver alongwith two live cartridges and four empty cartridges

were recovered.

The prosecution story is the Gang Members were going to kill one Neeraj Kumar to be identified by co-accused Malkiat Singh.

Role attributed to the petitioner is that his licensed .32 bore revolver was recovered from the said car.

It is contended that the main accused Jagga had on account of friendship taken the revolver of the petitioner and at best an offence under Section 30 of the Arms Act is made out against the present petitioner, who is stated to be not involved in any other criminal activity. That apart, even as per disclosure statement of the main accused, no complicity of the petitioner is shown in the present FIR. Petitioner is stated to be in custody since 5.5.2015 and after completion of investigation challan stands presented.

Learned State counsel on instructions from ASI Daljit Singh does not refute the custody period, presentation of the challan and the alleged contents of disclosure statement of co-accused Jagga.

Without expressing anything on the merits of the case, keeping in view the fact that the challan has been presented and the trial is not likely to be concluded in near future and no useful purpose would be served by keeping the petitioner in custody, the present petition is allowed and petitioner is directed to be released on bail subject to the satisfaction of CJM/Duty Magistrate, Ropar.

05.02.2016
joshi

(Jaswant Singh)

Judge

RAJINDER PRASHAD JOSHI
2016.02.06 12:20
I attest to the accuracy and
authenticity of this document
High Court, Chandigarh.