

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-6941 of 2018

Date of Decision: April 17, 2018

Mandeep Kumar

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Vijay Kumar Sheoran, Advocate
for the petitioner

Mr. Munish Sharma, AAG Haryana

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 189 dated 10.10.2017, registered under Sections 399/402 IPC, Sections 18/61/85 of NDPS Act, 1985 and Sections 25/54/59 of Arms Act, 1959 at Police Station Loharu, District Bhiwani.

Learned counsel for the petitioner contends that the petitioner was allegedly arrested at the spot with .9 mm pistol. There is no allegation of the petitioner having committed any robbery or having injured any person. He has been in custody since 09.10.2017. The investigation is complete and the challan has been presented. All the witnesses cited in the challan are official witnesses and in case the petitioner is granted concession of regular bail there is no chance of him trying to tamper with the evidence.

On the other hand, learned State counsel submits that the petitioner was member of a group of five persons who were arrested while sitting in a vehicle armed with deadly weapons. One sten-gun, six pistols, one bullet proof jacket, 62 live cartridges and 24 guns of AK-47 Assault Riffle were recovered. 500 grams of opium milk was also recovered. Thus, it is not safe to grant regular bail to the

I have considered the rival arguments. Even though the petitioner may not be in a position to tamper with the evidence, his release would entitle the co-accused to seek bail on the principle of parity. This would result in the gang being freed from prison and the same is not in the public interest as the safety and security of the public at large would be endangered.

Thus, the petition has no merit and is dismissed. However, the trial Court is directed to expedite and complete the trial within a period of six months from the date of receipt of certified copy of this order.

April 17, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No