

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-1572-2019 (O&M)
Date of Decision:- 23.1.2019

Noman ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Nafees Ahmad Khan, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. By way of filing this petition, the petitioner seeks grant of regular bail in respect of a case registered vide FIR No.229, dated 14.8.2018, at Police Station Punhana, District Nuh, under Sections 399 and 402 of Indian Penal Code, 1860 and Section 25 of Arms Act 1959, wherein Sections 395 and 412 of IPC were added later on.
2. The FIR was registered on the basis of a secret information received to the effect that Noman alongwith his companions was sitting in a truck container and was planning to commit a dacoity and that they were also carrying illegal weapons.

3. Pursuant to receipt of the aforesaid information, a raid was conducted and Noman and four other boys were apprehended from the truck container. Noman was found to be carrying a country made .315 bore pistol, which was loaded apart from two live bullets from his right pocket. The other four boys accompanying him, upon inquiry disclosed their names as Arif, Imran, Jabid @ Jabbar and Kifayat. However, the said four boys were not found to be carrying any weapon. It is further the case of prosecution that when the said boys were apprehended, one of them was heard saying that he is in need of money and a decoity be committed.
4. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that in any case even the FIR does not disclose any such act so as to suggest that accused were making any preparation for commission of any robbery or dacoity.
5. On the other hand, opposing the petition, the learned State counsel has submitted that since petitioner is specifically named in FIR and was found to be carrying a pistol, the intention of petitioner to commit offences in question is evident. The learned State counsel has however informed that the petitioner is not wanted in any other case and that challan has already been presented and that as on date only one PW out of the cited 13 PWs has been examined.
6. Having considered rival submissions addressed before this Court and bearing in mind the aforesaid position of trial which has just commenced, in my opinion, no fruitful purpose would be served by

further detaining the petitioner behind bars especially since the trial is not likely to be concluded in immediate future. The petition, as such, is accepted and petitioner-Noman is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

7. This petition stands accepted accordingly.

January 23, 2019
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(GURVINDER SINGH GILL)
JUDGE

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