

216

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

**CRM-M No.4429 of 2019 (O&M)
Date of Decision : 05.02.2019**

Jabir

..... Petitioner

versus

State of Punjab

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Saleem Ahmed, Advocate
for the petitioner.

Mr. Amarjit Kaur Khurana, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.104 dated 30.11.2018 registered under Sections 399/402 of Indian Penal Code and Sections 25/54/59 of Arms Act, 1959 at Police Station Sandaur, District Sangrur, Punjab.

Custody certificate of petitioner-Jabir dated 05.02.2019 by way of affidavit of Balvir Singh, PPS Deputy Superintendent, Sub Jail Malerkotla, has been filed and same is taken on record. Copy supplied to the counsel opposite.

Learned counsel for the petitioner has argued that neither the petitioner was named in the FIR nor he was arrested at the spot but was

implicated subsequently on the disclosure statement of co-accused who had stated that he had procured a pistol from the petitioner. He further states that the petitioner is in custody for almost two months and no other case is pending against him.

Learned Deputy Advocate General on instructions from SI Sukhwinder Singh states that she accepts the above mentioned factual assertion but states that one 315 bore pistol and its cartridges were recovered from the petitioner.

Be that as it may, the fact remains that the petitioner has been in custody for about two months and the trial is not likely to be conclude. The co-accused who were arrested from the spot have also been released on bail.

keeping in view the above facts and the period of incarceration already suffered by the petitioner, without going into the merits of the case, I deem it appropriate to release the petitioner on regular bail to the satisfaction of the trial Court/Duty Magistrate, Sangrur.

Ordered accordingly.

Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

05.02.2019

anju rani

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes
Whether reportable	-	No