

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

**CRM-M No. 22471 of 2019
Date of Decision:-21.05.2019**

Sumit @ Manni

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Deepak Vashisth, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana assisted by ASI Subhash
Chander.

MANOJ BAJAJ J.(Oral)

Petitioner Sumit @ Manni has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.473 dated 10.8.2018, under Sections 399 and 402 IPC and Section 25 of the Arms Act, registered at Police Station Safidon, District Jind. The petitioner is in custody since 10.8.2018.

As per FIR, on 10.8.2018, an information was received to the effect that five young boys, in a Honda City Car, black colour, are standing inside the Shilla Kheri Stadium and the boys are armed with weapons and planning to commit a crime. It was informed that upon conducting a raid, said persons can be caught on the spot. On the basis of that secret

information, police officials prepared a raiding party and after reaching the spot, apprehended all the five accused persons. On search, a .32 bore pistol and five live cartridges were recovered from accused Bittu; one countrymade pistol .32 bore and five live cartridges were recovered from accused Krishan and one pistol 315 bore with one cartridge was recovered from accused Sachin. One countrymade pistol of .32 bore and five live cartridges were recovered from accused Nishan @ Vicky, one battery of white colour, having written 'Bajaj' on it, was also recovered. All the recovered articles were taken into police possession alongwith the Honda City Car bearing registration No.DL4CR-6205. In this background, the present FIR was registered against the accused persons.

Learned counsel for the petitioner contends that only torch was recovered from the petitioner. It is further pointed out that after arrest in the present case, all the five accused were indicted in some other case i.e. FIR No.331 dated 03.8.2018, under Sections 395, 397, 506, 120-B IPC and Section 25 of the Arms Act, registered at Police Station Model Town, Rewari, District Rewari. Learned counsel has pointed out that the petitioner was only sitting on the ground and the recovery of pistols, as alleged in the FIR, was from the co-accused persons. He further contends that the investigation in the case has been completed and challan stands filed in the Court. He submits that the trial is yet to start and it will take sufficient time to conclude, and prays for regular bail pending trial.

On the other hand, learned State counsel, who is assisted by ASI Subhash Chander, has opposed the bail application. However, learned

State counsel has apprised the Court that the investigation of the case is complete and challan stands filed in November, 2018 and the next date fixed before the trial Court is 27.5.2019 for framing of charges against the accused persons.

Considering the above background and the fact that the trial is yet to commence, which is likely to consume some time, further detention of the petitioner may not be justified, therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court.

The petition is allowed.

May 21, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No