

Sr. No.210

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

**CRM-M-22853-2019(O&M)
Date of decision:27.05.2019**

Chetan Munjal

..... Petitioner

versus

State of U.T.,Chandigarh

..... Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Vipin Ghai, Sr. Advocate with
Mr. Deepanshu Mehta, Advocate
for the petitioner.

Mr. Gautam Dutt, APP for
U.T.,Chandigarh.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking bail pending trial in FIR No.357, dated 20.11.2018 for the offences punishable under Sections 307/506,147,148,149,188,201,34 IPC and 25,54,59 of Arms Act, 1959 registered at Police Station Sector 26, Chandigarh.

Learned counsel for the petitioner submits that although in the initial version, the petitioner was alleged to have fired from fire arm and was alleged to have caused fire arm injuries, however, the report received from the FSL shows that the bullets recovered from the body of the injured and empties recovered from the spot; match with only one weapon, which was recovered from co-accused Rinku. So far as the petitioner is concerned, although the petitioner is alleged to be found in possession of an illegal fire arm, however, as per the FSL report, it is not even found to have been used at all. Accordingly, it is submitted that the case against the petitioner, at the best, can be under Section 25 of Arms Act. It is further

submitted that the petitioner is in custody since 01.12.2018. The challan has already been filed in the case. The petitioner is not required for any investigation purposes.

On the other hand, learned APP appearing for U.T., Chandigarh, being instructed by S.I. Satvinder, submits that the petitioner is a participant in the crime. His intention is substantiated by the fact that illegal weapon has been recovered from him. However, it is not disputed by the learned counsel that as per the FSL report, the said weapon has not been found to have been used at all. It is also not disputed that there is no other injury attributed to the petitioner and that the petitioner is in custody since 01.12.2018. It is not not disputed that the Challan has already been filed in this case.

In view of the above, but without commenting upon the merits of the case, the petition is allowed. Petitioner is granted the concession of bail pending trial. He be released on bail pending trial subject to furnishing bail bonds/surety to the satisfaction of the concerned Trial Court/Duty Magistrate.

27th May, 2019

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*