

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

CRM-M No.28131 of 2019
DATE OF DECISION : 11th JULY, 2019

Israr Ahmed

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Prateek Pandit, Advocate for the petitioner.

Mr. K. S. Aulakh, Deputy Advocate General, Punjab.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case FIR No.09 dated 14.01.2019 registered under Sections 392 & 379-B IPC; Section 21 of Narcotics Drugs & Psychotropic Substances Act, 1985 and Section 25 of the Arms Act, 1959 at Police Station Adampur, District Jalandhar.

Learned counsel for the petitioner submits that the case against the petitioner is totally concocted. The petitioner is not at all involved in the crime alleged in the FIR. It is further submitted that even as per the case of the prosecution the petitioner has only supplied the alleged weapon to the other co-accused, which they are stated to have used in miscellaneous crimes. However, the petitioner is not even alleged to be involved in any crime as such. Insofar as the supply of weapon to the co-accused, is concerned, it is submitted that even to substantiate this allegation there is no evidence with the police on its file. It is also submitted that the petitioner is in custody since 26.01.2019. The challan has already been filed. Therefore, the petitioner is not required

for any investigation purposes. Moreover, even the main co-accused have been released on bail by this court.

On the other hand, learned counsel for the State, being instructed by HC Jaswant Singh, submits that there is sufficient evidence on the police file to show the complicity of the petitioner in the crime. The name of the petitioner has come up in the statement of none other than the co-accused, who had purchased the weapon from the petitioner. It is also submitted that there has been another case against the petitioner under the Arms Act. However, it is not disputed that except the alleged disclosure statement of the co-accused, there is no evidence to substantiate the allegation against the petitioner. It is also not denied that even the main accused have been released on bail.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/sureties to the satisfaction of the trial Court/Duty Magistrate.

11th JULY, 2019
‘raj’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>