

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31958-2019

Date of Decision : September 06, 2019

Rahul

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. S.K. Tripathi, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition filed by the petitioner for grant of regular bail under Section 439 of the Code of Criminal Procedure in FIR No.37 dated 29.1.2019 under Section 25 of the Arms Act, 1959, registered at Police Station Khedki Daula, Gurugram.

Counsel for the petitioner submits that per the allegations in the FIR, the police, on receiving a secret information that some persons were having weapons with them and were trying to commit the crime of snatching from the public. A raiding party was constituted and the petitioner was apprehended by the police along with a country made pistol and 11 live cartridges were recovered from him and a similar recovery was effected from the other person.

Counsel for the petitioner further submits that after the present FIR was registered, the arrest of the petitioner was shown in three more other FIRs of similar nature, though prior to this, he was not

involved in any other case. Counsel for the petitioner further submits that only FIR is registered under Section 25 of the Arms Act and the investigation is complete.

Learned State counsel, submits that the petitioner is in custody for the last more than 07 months and challan stands presented on 30.3.2018. Learned State counsel, on instructions from ASI Karambir Singh also submitted that the arrest of the petitioner in the other FIRs, detailed in custody certificate, was made subsequent to his arrest in the present FIR.

Without commenting anything on the merits of the case, considering the fact that the petitioner is in custody for the last more than 07 months and the challan stands presented, this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

September 06, 2019
satish

Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO