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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13778-2020 (O&M)
Date of Decision: 20.08.2020

NARINDER KUMARPetitioner
Vs
STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Siddhant Vermani, Advocate and
Mr. Umesh Aggarwal, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

In compliance of the order dated 05.08.2020, learned counsel for the petitioner has filed CRM No.19454 of 2020 seeking to place on record the amended petition along with report under Section 173 Cr.P.C. The offence alleged against the petitioner is in terms of Section 29-A of the Arms Act.

The aforesaid offence would point out that Section 29 is of Arms Act. In the headnote of the amended petition, the petitioner has incorporated the offence under Section 27/29 along with offence under Section 29-A of the Act. For all abundant caution, learned counsel for the petitioner prays that

the offence under Section 29 be treated as the relevant offence for which the petitioner has been proceeded with.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.42 dated 24.02.2020, registered under Section 302/34 IPC at Police Station Chheratta, District Amritsar.

As per FIR, the allegations are that Lalit Kumar has fired upon Laddi son of the complainant. Licensed fire arm belonging to the petitioner was used in the occurrence. In the challan submitted by the Police, it is submitted that on 28.02.2020 during interrogation of accused Lalit Kumar, he made confessional statement that the revolver with which he killed Rashpal Singh belonged to the petitioner. Petitioner used to give that revolver to him very often and even now the said revolver is in possession of the accused. On the basis of said confessional statement, offence under Section Section 29 of the Arms Act was added.

According to learned counsel for the petitioner, there is no allegation of conspiracy between the petitioner and the main accused Lalit Kumar. Section 29 of the Arms Act provides for punishment for knowingly purchasing arms etc. from unlicensed person or for delivering arms etc. to person not entitled to possess the same. The punishment provided under the

aforesaid offence may extend to three years or fine or both.

Petitioner is in custody since 29.02.2020.

Learned State counsel on instructions from ASI Ravinder Singh submitted that challan has already been presented, but charges have not been framed so far.

In view of incriminating material on record, the complicity of the petitioner viz-a-viz. the offence under Section 302 would be debatable. Since no prosecution witness has been examined so far, therefore, trial of the case may take some time in its culmination.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

August 20, 2020

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Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No