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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9343-2021

Date of Decision: 03.03.2021

Narender @ Ninder

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Baljeet Benwial, Advocate for the petitioner.

Kanwar Sanjiv Kumar, AAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.348 dated 07.10.2020 registered under Section 25 Arms Act, 1959 at Police Station Sanjay Gandhi, Memorial Nagar, District Faridabad. The petitioner is in custody since his arrest on 10.01.2021.

As per prosecution, when HC Sombir and Constable manoj were present at Patel Chowk, Near Hanuman Temple, a young person was seen coming from the side of cremation ground and on seeing the police party, he tried to turn back. On suspicion, the person was apprehended, who disclosed his name as Ankur and on taking his personal search, a country made pistol was recovered from his pants, who could not produce its license or permit.

Learned counsel for the petitioner contends that the alleged weapon was recovered from co-accused Ankur son of Surender and the petitioner was indicted as an accused on the basis of his disclosure

statement. He submits that since co-accused Ankur has been released on regular bail vide order dated 20.10.2020 (Annexure P-1) passed by the trial Court, therefore, further custody of the petitioner may not be necessary, as the investigation of the case is complete and the challan has been filed on 04.02.2021. He prays for bail.

On the other hand, learned State counsel assisted by SI Subhash has opposed the prayer on the ground that the petitioner is involved in eighteen criminal cases, however, he does not dispute this fact that the final report has been filed on 04.02.2021.

After hearing the learned counsel for the parties, considering the above background, custody of the petitioner and the fact that despite filing of the final report on 04.02.2021, even the charges have not been framed, this Court does not find any reason to decline the prayer, as the trial is likely to consume considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate Faridabad.

The petition is allowed.

03.03.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes	No
Yes	No