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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.16157 of 2021 (O&M)

Date of decision: 29.06.2021

Vijay

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Jagdish Manchanda, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.0432 dated 07.12.2020, for offence punishable under Sections 25/54/59 of the Arms Act registered at Police Station SGM Nagar, Faridabad, District Faridabad.

Despite availing 02 opportunities, no reply has been filed.

Counsel for the petitioner has submitted that a special information was received that a person is having an illegal weapon and he can be apprehended if a raid is conducted. Thereafter, one young person was seen coming and on suspicion, he was apprehended and one country-made pistol along with 05 live cartridges were recovered. It is further submitted that the petitioner is in custody for the last more than 06 months and 22 days and the weapon recovered from the petitioner is not involved in any other case and therefore, it will be a matter of trial whether the punishment beyond a period of 06 months can be awarded

CASE HEARD THROUGH VIDEO CONFERENCING

to the petitioner, if he is found guilty of the offence.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail. It is further submitted that the petitioner is involved in number of other cases, however, a perusal of the Custody Certificate show that the petitioner is on bail in all the cases.

In reply, counsel for the petitioner has argued that in some of the old cases, the petitioner has already been acquitted or has undergone the sentence.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 06 months and 22 days; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

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

29.06.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No