

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

**CRM-M-25926-2021
Date of Decision : 16.12.2021**

Harsimran Singh @ Simmu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Anmol Partap S. Mann, Advocate
for the Petitioner.

Mr. Kanwar Sanjeev Kumar, Asstt. Advocate General, Haryana
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No.133, dated 26th April, 2020, registered under Sections 186, 188, 332, 353, 307 & 34 of the Indian Penal Code, 1860, and Section 25 of the Arms Act (Section 216 of the IPC added later on) at Police Station Chandimandir, District Panchkula (Haryana).

2. As a follow up to the observations noted in Para Nos. 5 and 6 of the order passed on the last date (25th November, 2021), Ld. State Counsel has tendered a copy of the Report received from the FSL Madhuban, Karnal, Haryana pertaining to the firearms and fired cartridges recovered from the spot by the Investigating Agency. Perusal of the same goes to show that there were two country-made pistols recovered (each

Chambered 7.65 mm cartridges). Those pistols were assigned the Marks W/1 and W/2 by the Ballistic Expert. There were also two 7.65 mm fired cartridges sent up for examination which were similarly Marked C/1 and C/2. The final conclusion of the Ballistic Expert in this regard happens to be, *“Two 7.65 mm fired cartridges cases Marked C/1 and C/2 have been fired from countrymade pistol Marked W/2 (Chambered for 7.65 mm cartridges) and not from any other firearm even of same make and bore/caliber because every firearm has its own individual characteristic marks”*.

3. It, therefore, boils down to a situation that actually only one firearm was used for firing at the victim/Police Party although recovery was effected of two different countrymade pistols (Chambered for 7.65mm cartridges). One of the pistols was allegedly recovered from the present Petitioner, and the other one from co-accused Dhruv Mohan Garg.

4. In answer to a pointed query of the Court, Ld. State Counsel however, inspite of having the assistance of two Investigating Officers of the case namely ASI Rajbir Singh and ASI Ram Mehar, who are present in the Court, has been unable to show that the pistol Mark W/2 was the same that was recovered from the present Petitioner, and not otherwise.

5. Consequently, the doubt of the Court as to whether the gun-shot/cartridge fired at the Complainant actually matched the weapon allegedly seized from the Petitioner, has not been cleared.

6. The Complainant undoubtedly happens to be a

Police Officer, and therefore can be presumed to be not vulnerable to any kind of threat or pressure at the instance of an alleged criminal, on bail. No actual injury was suffered by him in the occurrence.

7. In the circumstances, considering the long detention undergone by the Petitioner following his arrest on 26th April, 2020 and the fact that trial in the case is still to commence, as even the Charges have not yet been framed, the Court is of the opinion that further detention of the Petitioner for an indefinite period at this stage is not called for. As such, he is ordered to be released on bail to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

8. Disposed off.

December 16, 2021

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No