

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

**CRM-M-26326-2021
Date of decision: 18.11.2021**

Shan Mohammad

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Abhishek Khullar, Advocate for
Mr. J. S. Jaidka, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 64 dated 03.04.2021, registered under Section 379-B(2) of the IPC at Police Station Dehlon, District Ludhiana.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Harinder Singh, it is stated that he is having an arm licence and .12 bore double barrel gun was earlier endorsed on the said licence, however, later on, he got the said gun deleted from the licence and he purchased a .32 bore revolver after getting sanction from the competent authority. It is further stated that the said revolver was yet to be registered on the arm licence. On the date of incident i.e. 31.03.2021, the complainant along with his friend Dilpreet Singh @ Jyoti was going and he stopped his car for easing himself and in the meantime, six unidentified persons, having muffled faces, came on two motorcycle and kept a sword on the neck of the complainant and snatched

his mobile phone and also snatched the aforesaid revolver.

Learned counsel further submits that the petitioner is a young boy aged about 19 years and he is not involved in any other case. It is also submitted that petitioner is in judicial custody for the last about 07 months and the investigation is complete.

Reply, by way of the affidavit of the Joint Commissioner of Police (Rural), Ludhiana, is on record. As per reply, during investigation, the complainant was joined in investigation and co-accused Arjan Verma was arrested, who was identified by the complainant and thereafter, on the disclosure of said co-accused, the petitioner and other accused were nominated in this case.

Learned State counsel, on the basis of the aforesaid affidavit, has not disputed the factual position, however, it is submitted that the offence is serious but it is not disputed that no prosecution witness has been examined so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner is in judicial custody for the last about 07 months; he is not involved in any other case and also in view of the fact that conclusion of trial is likely to take some time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

18.11.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*