

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

CRM-M-32028-2021
Date of decision: 08.11.2021

Sanjay alias Sanju

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sanjeev Majra, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

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. 27 dated 28.02.2020, registered under Section 25(1) of the Arms Act, 1959 at Police Station Guhla, District Kaithal.

Learned counsel for the petitioner submits that as per allegations in the FIR, on 28.02.2020, Head Constable Manish Kumar, while on patrol duty, apprehended two persons who were coming in a vehicle. On inquiry, they disclosed their identity as 'Manjeet' and 'Neetu @ Bhuriya' and on their search, one country made pistol of .32 bore loaded with two live cartridges was recovered from said Manjeet, who was the driver of the said vehicle and from co-accused Neetu @ Bhuriya, one empty country made revolver was recovered.

Learned counsel for the petitioner further submits that it has come in the disclosure of aforesaid co-accused Neetu @ Bhuriya that she has purchased the weapon from the present petitioner. It is further submitted that petitioner is in judicial custody for the last about 01 year, 07 months and 05 days and though he is involved in some other cases, however, he is on bail in those cases.

Learned counsel further submits that co-accused Neetu @ Bhuriya, upon whose disclosure the name of the petitioner surfaced in the present case, has already been granted concession of regular bail, vide order dated 12.03.2020 passed by the Sessions Judge, Kaithal.

Learned counsel further submits that in the present case, nothing was recovered from the petitioner to corroborate the disclosure made by aforesaid co-accused Neetu @ Bhuriya.

Learned State counsel, on the basis of the custody certificate filed today in Court, has not disputed the factual position, however, it is submitted that petitioner is involved in some other cases but it is reflected in the custody certificate that he is on bail in those cases.

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 01 year, 07 months and 05 days; co-accused Neetu @ Bhuriya, upon whose disclosure the name of the petitioner surfaced in the present case, has already been granted concession of regular bail by the Court of Sessions 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/Illaqa Magistrate, concerned.

08.11.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No