

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

CRM-M-36242-2020 (O&M)

Date of decision: 19.01.2021

Ashish

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. B.B. Choudhary, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner Ashish, an accused in FIR No.112 dated 28.07.2020, for an offence under Section 25 of the Arms Act, registered with Police Station Sector 20, Panchkula.

Briefly stated the prosecution story is that, on 28.07.2020, at about 08.15 PM, a police party from Police Station Sector 20, Panchkula while being present in the area of Village Kundi, Sector 20, Panchkula, apprehended the accused on the basis of suspicion and on conducting his personal search, a country made pistol of 315 bore was recovered from his right pocket of pant, which was found to be loaded with a live cartridge. Such accused was arrested in this case. The pistol

along with live cartridge were taken into police possession. Ruqa was sent to the police station, which formed the basis for registration of formal FIR.

Petitioner/accused had filed an application for grant of regular bail before the Court of Sessions at Panchkula. The said application which was assigned to Addl. Sessions Judge, Panchkula, was dismissed, vide order dated 04.09.2020. As such, he has approached this Court, craving for grant of similar relief, which request is being opposed by learned State counsel.

I have heard learned counsel for the parties besides going through the record.

It is a case of recovery of country made pistol of 315 bore along with a live cartridge from the possession of accused. Such type of criminal acts cannot be viewed lightly, rather, it goes to show that the petitioner was in possession of the weapon along with a live cartridge for the purpose of committing some crime. As per reply filed by the State, the petitioner is involved in two more criminal cases i.e. FIR No.211/2016, for an offence under Section 302 IPC, registered with Police Station Sector 14, Panchkula and FIR No.378 dated 10.07.2020, for an offence under Section 25 of Arms Act, registered with Police Station Sector 5, Panchkula. Thus, the petitioner is shown to have been booked in a murder case also, besides being involved in another case under Arms Act. That goes to show that the petitioner is a habitual criminal and he is accused of committing a murder even. The

recovery of pistol along with live cartridge is to be viewed and interpreted in the light of the criminal background of the petitioner. It has to be taken note of that such type of desperate element if allowed to go unchecked, indulge in criminal activities posing a danger to the peace and tranquility in the society. Release of such type of person on bail is likely to be a threat to the society, since there is every apprehension of his taking to path of crime and even absconding, if granted the concession of bail. Thus, no case for grant of regular bail to the petitioner is made out. The petition being without merit stands dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

19.01.2021

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No