

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

230

CRM-M-41253-2021

Date of decision : 22.11.2021

Mahesh @ Mohit

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Lekhraj Nandal, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

* * *

DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C.
for the grant of regular bail in FIR No.379 dated 23.09.2020, registered
under Sections 25, 54 and 59 of the Arms Act, 1959 at Police Station Sadar,
District Rohtak.

Briefly stated, the case of the prosecution is that on 23.09.2020,
on the basis of suspicion, the petitioner was searched, as a result whereof a
countrymade pistol was recovered from him for which he could not show
any licence.

Learned counsel for the petitioner submits that the petitioner
has been falsely implicated in this case; the petitioner is in custody since
24.09.2020; investigation in this case is complete; no further recovery is
required to be made from the petitioner and that since in the petitioner's
trial, no prosecution witness has been examined, it is likely to take a long
time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that an unlicensed pistol was recovered from the petitioner and that he is involved in other cases under the Arms Act.

The petitioner, who is an accused of being in possession of an unlicensed pistol, is in custody for the last about 01 year and 02 months; investigation in this case is complete; no further recovery is required to be made from the petitioner and since in the petitioner's trial, no prosecution witness has been examined, it is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Rohtak, the petitioner is directed to be released on bail.

It is clarified that in case the petitioner is found indulging in any criminal activity, it will be opened to the State to move this Court/trial Court for cancellation of petitioner's bail granted to him through the present order.

(DEEPAK SIBAL)
JUDGE

November 22, 2021

anju

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No