

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

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CRM-M-46650-2021

Date of Decision : November 15, 2021

MANJIT SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Lalit Singla, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

The present 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.145 dated 22.7.2021 under Sections 420/467/468/471/120-B IPC and Sections 25/27 of the Arms Act, 1959 (during the course of investigation offence under Section 27 of the Arms Act was deleted from the array of Sections), Police Station Sadar Khanna, District Ludhiana.

The learned counsel for the petitioner has submitted that as per the FIR the allegations are made against three persons one of whom is the petitioner, namely, Manjit Singh and others are Vijender Singh and Naresh Kumar and the allegations are that on information it was found that the car in which they were travelling they were carrying weapons and ultimately two pistols alongwith magazines were recovered. He submitted that it is a case where the petitioner was travelling alongwith two other co-accused and during investigation it was found that one pistol was in the name of Vijender Singh and other pistol was in the name of Naresh Kumar in which false addresses were given and, therefore, according to the prosecution the said licences were fake and fabricated. He submitted that so far as the present petitioner is concerned, there is

neither any pistol in his name nor he has any role to play and he was only travelling alongwith them and was not aware that they were carrying pistols. The learned counsel for the petitioner has further submitted he is not involved in any other case and the investigation of the case is already complete and the challan has been presented and no recovery is to be effected from him. He further submitted that although he had earlier filed bail application which was dismissed as withdrawn but at that stage the investigation was not complete and now the investigation has been completed and challan has been presented and, therefore, this amounts to change of circumstance and he is in custody since 22.7.2021.

On the other hand, Mr. Thind, learned DAG, Punjab has submitted that the recovery was made from three persons including the petitioner. He has not disputed that so far as the weapons are concerned, the same were found to be in name of other co-accused, namely, Vijender Singh and Naresh Kumar and not in the name of the petitioner. So far as the antecedents of the petitioner is concerned, the learned State counsel has filed the custody certificate in which it has been stated that the petitioner is not involved in any other case.

I have heard the learned counsels for the parties.

The petitioner, who was stated to be travelling in a car alongwith two other persons, namely, Vijender Singh and Naresh Kumar, was arrested alongwith Vijender Singh. It has been submitted by the learned counsel for the petitioner that the weapons were not in the name of the petitioner and in fact the licences were in the name of Vijender Singh and Naresh Kumar although on wrong addresses and so far as the petitioner is concerned, he was only travelling with them would certainly carry some weight at this stage when the investigation of the case has already been completed and the challan has already been presented. Admittedly, the petitioner is not involved in any other case and he is in custody from 22.7.2021. The withdrawal of the earlier bail application would not become a bar for filing second bail application in view of the

fact that at that point of time when the earlier bail application was withdrawn the case was at the investigation stage and now the challan has been presented on 19.10.2021. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, considering the totality of the present case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

November 15, 2021

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