

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

**CRM-M-791-2022 (O&M)
Date of decision: 08.03.2022**

Manjinder Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Abhimanyu Singh, Advocate
for the petitioner.

Ms. Tanushree Gupta, 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. 364 dated 19.07.2020, registered under Sections 307, 468, 473/34, 201 of the IPC and Sections 25, 29 of the Arms Act, 1959 (Sections 468, 473, 201 of the IPC and Section 29 of the Arms Act added later on) at Police Station Thanesar Sadar, District Kurukshetra.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of SI Jeet Singh, it is stated that while on patrol duty, he received a secret information that Devender Kumar @ Chawla and Amarjit @ Topi are indulged in committing offence of loot and they are coming in a car bearing registration number HR-05-R-7694 and if a barrier is laid, they can be apprehended along with car and weapon. On this, when the police party put up a barrier, a car was seen coming and there were two boys in the said car. SI Jeet Singh signalled

the car to stop. The driver of the car slowed down the speed of car and the other person, sitting in the left side of the driver, took out a pistol and fired towards the police party, however, the police officials saved their life by laying down on earth. Both the accused persons ran away towards the city side and later on, they were apprehended.

Learned counsel for the petitioner further submits that the petitioner was later on nominated on the disclosure of the aforesaid accused persons as the supplier of the fire arm.

Learned counsel further submits that the challan has been presented and the only charge against the petitioner is under Section 29 of the Arms Act.

Learned State counsel has filed the affidavit of the Investigating Officer, in which it is stated that the trial Court, vide order dated 04.01.2022, has not framed the charge under Section 307, 468, 473 and 34 of the IPC against the petitioner and the charge against him is only under Section 29 of the Arms Act and Section 201 IPC. However, in the affidavit, there is mention of some other cases pending against the petitioner.

In reply, learned counsel for the petitioner has relied upon certain orders (Annexures P-3 to P-13) to submit that the petitioner has been granted the concession of bail in all the aforesaid cases pending against him. As per the custody certificate, the petitioner is in judicial custody for the last more than 09 months.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the petitioner and also in

view of the fact that the charge framed against the petitioner is only under Section 29 of the Arms Act and Section 201 IPC; he is in judicial custody for the last more than 09 months and conclusion of trial is likely to take a long time as even charges have not been framed so far, 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.

08.03.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No