

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

233

CRM-M-6362-2022 (O&M)

Date of Decision: 10.05.2022

Sukhpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Ms. Sukhpreet Kaur Grewal, Advocate,
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab,
assisted by ASI Rakesh Kumar.

GURVINDER SINGH GILL, J. (Oral)

CRM-17045-2022

For the reasons mentioned in the application, the same is allowed and the copies of the judgments annexed with the application are taken on record as Annexures A-1 and A-2.

CRM-M-6362-2022

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.115 dated 26.07.2021 at Police Station Garshankar, District Hoshiarpur, under Section 25 of the Arms Act.
2. As per the case of prosecution, on 26.07.2021 when the police party was present at Chandigarh Chowk, Garhshankar in connection of checking, then a scooter, on which two persons were riding, were signalled to stop.

While the driver of the scooter disclosed his name as Sukhpal Singh

(petitioner), the pillion rider disclosed his name as Amrinder Singh. Upon search, a countrymade pistol alongwith 3 live cartridges were recovered from Sukhpal Singh and 1 country-made pistol was also recovered from Amrinder Singh.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case. Learned counsel has further submitted that the investigating agency has not sought any opinion of the expert as regards the working condition of the pistol allegedly recovered from the petitioner and that in the absence of the same, the case of the prosecution would fall to ground.
4. Since on the last date of hearing, learned State counsel had informed that the petitioner happens to be involved in 10 other cases, learned counsel for the petitioner on the basis of copies of the judgments placed on record today has clarified that in fact the petitioner stands acquitted in 5 of the said 10 cases and stands convicted in 2 of them while 3 are pending.
5. Opposing the petition, learned State counsel has submitted that since the petitioner as well as his co-accused were caught red-handed while in possession of weapons, no case for grant of bail is made out. Learned State counsel, however, could not furnish any information as regards the report of any expert regarding the working condition of the recovered weapon. It has, however, been informed that the petitioner as on date has been behind bars since the last more than 9 months and that no PW out of cited 14 PWs has been examined till date.
6. I have considered rival submissions addressed before this Court.

7. Without commenting anything as regards the merits of the case, but while noticing that the petitioner has been behind bars for a substantial period of more than 9 months and that the trial is likely to consume time for its conclusion as none of the cited 14 PWs has been examined so far, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.05.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**