

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-18460-2022

Date of Decision:-09.05.2022

Jaleesh.

.....**Petitioner.**

Versus

State of Haryana.

.....**Respondent.**

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Saleem Ahmed, Advocate for the Petitioner.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition is for the grant of regular bail under Section 439 Cr.PC in case FIR No.12 dated 05.01.2022 under Sections 25 (1B), (c), (e) and 29(b) of Arms Act, registered at Police Station Hodal, District Palwal (Haryana).

The brief facts of the case are that secret information was obtained by the police party that Isha son of Mussa and Jaleesh son of Isha (the present petitioner) were dealing in the sale and purchase of illegal weapons and if a barricading was done on that date a huge quantity of illegal weapons could be recovered as the accused were on their way to Palwal from Koshi via Hodal to sell these weapons. On this information barricading was done and the two accused persons including the petitioner were apprehended. From the bag carried by Isha three country made pistols

along with magazine and to other magazines and three country made 315 bore pistols and a plastic bag containing cartridges was recovered.

The Counsel for the petitioner contends that the recovery was effected from his co-accused and as such no liability can be affixed on the petitioner. He submits that as per the disclosure statement of Isha and the present petitioner it seems that the weapons were purchased by Isha from one Kuldeep resident of Mathura. So far as Jaleesh is concerned his disclosure statement is to the effect that he was not aware as to whether Isha was taking him and also did not know from whom Isha had purchased these weapons. He submits that the petitioner is in custody since 15.01.2022, Investigation is complete, the challan having been filed but no statement of any witness has been recorded till date. He thus prays for grant of regular bail.

The Counsel for the State on the other hand contends that the recovery is effected from both and the disclosure statement cannot be examined to exonerate the petitioner. He however admits that the investigation has been completed but no prosecution witness has been examined till date.

I have heard learned Counsel for the parties at length.

Undoubtedly, the disclosure statement is inadmissible in evidence. However, the recovery has been effected from the co-accused Isha and it would be a matter of adjudication during the trial as to whether the petitioner was aware of the contents of the bag carried by Isha and from where the recovery of weapons was effected. The petitioner is in custody since 15.01.2022, investigation stands completed and 09 prosecution witnesses have been cited, none of which have been examined till date.

Further the petitioner does not have any criminal antecedents. Thus further incarceration of the petitioner is not required.

In view of the aforesaid facts, no useful purpose would be served by keeping the petitioner incarcerated. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner **Jaleesh** son of Sh. Isha @ Ishan is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

If the petitioner indulges in similar offence for which he is currently charged, the State would be at liberty to move an application for cancellation of bail.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 09, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>