

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22041-2022(O&M)
Date of Decision: 01.06.2022

Rakesh @ Raj Sharma @ Nandu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Saurabh Sharma, Advocate
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

JASJIT SINGH BEDI, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.56 dated 28.01.2022 registered under Sections 25 of the Arms Act, 1959 with Police Station Kurukshetra University, District Kurukshetra.

The prosecution case in brief is that a secret information was received by Sunder Paul, ASI, the present complainant who stated that Rakesh @ Raj Sharma, the present petitioner was coming from the side of village Ghararsi and was in possession of a country-made pistol. Upon receiving this information, the police party kept an eye on him, captured him and, thereafter, on search recovered a country-made 32 bore pistol with two live rounds.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The country-made pistol has been planted upon him as he stands involved in two other

cases in which he has been granted the concession of regular bail. No independent witness was joined at the time when the recovery was effected, and therefore, the sanctity of the recovery itself is in doubt. It is lastly contended that the petitioner is in custody since 28.01.2022, and as such, his further incarceration is not required.

The learned State counsel, on the other hands, submits that the petitioner has criminal antecedents and two other cases have been registered against him bearing FIR No. 485 dated 25.11.2018 under Sections 148, 149, 307, 427, 452, 506 IPC (Section 302 IPC added later on) and Sections 25, 54 of the Arms Act with Police Station Kurukshetra University, District Kurukshetra and FIR No. 486 dated 25.11.2018 under Sections 148, 149, 323, 324, 326, 452 and 307 IPC and Section 25 of the Arms Act with Police Station Kurukshetra University, District Kurukshetra. However, he does not deny the fact that in both the aforesaid cases, the petitioner has been granted the concession of bail.

I have heard the learned counsel for the parties.

The petitioner is in custody since 28.01.2022. All the witnesses would be official witnesses, and therefore, there is no question of tampering with the evidence or pressurizing any witness. In the two cases pending against the petitioner, he has been granted the concession of bail by this Court vide orders dated 19.12.2020 in CRM-M-39890-2020 and order dated 18.02.2021 in CRM-M-6714-2021.

In view of the above, the further incarceration of the petitioner is not required. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner, namely, Rakesh @ Raj Sharma @ Nandu is ordered to be released on bail, subject to his

furnishing adequate bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

The petitioner shall appear on the first Monday of every month before the local police station and shall furnish an affidavit each time that he is not involved in any case other than the cases mentioned hereinabove.

(JASJIT SINGH BEDI)
JUDGE

June 01, 2022
sukhpreet

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No