

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

CRM-M-25919-2022 (O&M)

Date of decision: 22.08.2022

Harjot Singh Dhillon

...Petitioner

Versus

State of UT Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vinod Ghai, Senior Advocate with
Mr. Edward Augustine George, Advocate for the petitioner.

Mr. Yashwant Singh Rathore, APP U.T. Chandigarh, and
Mr. Yuvraj Singh Rathore, Advocate.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition (the first one having been dismissed as withdrawn on 21.05.2021), the petitioner seeks regular bail in case bearing FIR No.24 dated 08.02.2021, registered at Police Station Sector 36, Chandigarh, under Section 392 IPC and Sections 411 and 397 IPC (added later on) and Section 25 of the Arms Act, 1959.

Status report by way of affidavit dated 20.08.2022 of the Assistant Superintendent of Police, Sub-Division South West, Chandigarh, submitted by the learned State counsel in the Court, is taken on record.

Learned senior counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that the petitioner

has been in custody since 10.02.2021; that the alleged occurrence took place on 08.02.2021; that as per the prosecution, the police officials laid a *Naka* on 10.02.2021 and when they were enquiring from the petitioner, SI Kuldeep Singh along with Amarjeet Singh, Cashier, also came there at that time and on seeing the petitioner, they stated that he was the same person, who had committed the crime.

Learned Senior Counsel further contends that the weapon allegedly recovered from the petitioner, is an air-gun only and this fact is also corroborated with the report of CFSL, Chandigarh and the air-gun fall under the category of deadly weapon or not, is a debatable issue. Therefore, no offence under Section 397 IPC is made out against the petitioner. Out of 17 prosecution witnesses, none has been examined so far and the petitioner is not involved in any other case.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the recovery of weapon used in the crime and Rs. 8,48,000/- has been effected on the disclosure statement of the petitioner. However, he does not dispute the custody period of the petitioner and that there is no other case against the petitioner. He submits that the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 10.02.2021. The weapon used in the crime is only a air-pistol and the amount of Rs. 8,48,000/- stands recovered. Supplementary Challan already stands filed on 21.05.2022. Moreover, there is no other case registered or pending against the petitioner.

The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

22.08.2022
Mangal Singh

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