

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

211

**CRM-M-35819-2022
Decided on : 15.09.2022**

Sombir @ Lala

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Dr. Viksa Rohal, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner – Sombir @ Lala, who has been booked for having committed the offences punishable under Sections 25(1B (a)), 54, 59 of the Arms Act, 1959, in FIR No. 369, dated 10.06.2022, registered at Police Station City Panipat, District Panipat, Haryana, during the pendency of trial.

On the previous date of hearing, learned State counsel was directed to confirm the nature and status of other two cases, as referred in paragraph No.5 of the impugned order dated 05.08.2022, passed by learned Addl. Sessions Judge, Panipat.

In compliance thereto, learned State counsel has filed the status report by way of affidavit of Dharamvir Singh, HPS, DSP, Head Quarters, Panipat, on behalf of the respondent-State, in Court today. Same is taken on record, subject to all just exceptions.

A copy thereof has been handed over to the learned opposite counsel.

As per the status report, answer to the query raised on the previous date of hearing is cleared in para No.3, by explaining that in case FIR No. 312, dated 22.11.2018, registered under Sections 148, 149, 302 of IPC and 25 of the Arms Act, lodged at P.S. Civil Line Rohtak, wherein, petitioner was named on the basis of disclosure statement of co-accused, at present, petitioner is on regular bail.

In another case i.e. FIR No.274, dated 29.04.2022, registered under Sections 307, 506, 34 of I PC and 25 of the Arms Act, lodged at P.S. Civil Line Rohtak, petitioner is already on anticipatory bail.

Relying upon the averments of the aforesaid status report filed by the State, learned counsel for the petitioner builds up his arguments by submitting that mere apprehension of committing of some crime cannot be termed as a punishable offence. He further submits that as answered by the State itself that in the other two cases, petitioner is already on bail, therefore, no purpose would be served by keeping the petitioner inside jail in the present case, which otherwise also, is triable by the Court of learned Magistrate.

Learned counsel for the petitioner further submits that there are fairly arguable points during the course of the trial showing the innocence of the petitioner. Therefore, petitioner may be granted the concession of regular bail in the present case.

Per contra, learned State counsel has vehemently opposed the prayer and submissions made by learned counsel for the petitioner by submitting that petitioner seems to be an habitual and hardcore criminal, as he is already involved in cases of murder and attempt to murder. In fact, it also appears that he is a member of some gang and at the instance of the firearms, he has been committing crimes without any fear. Therefore, no sympathy should be shown to such an accused and his prayer for regular bail should be declined.

After considering the submissions of both the sides, and perusing

the record with their able assistance, I find that in the offences which are graver in nature and are triable by the Court of Sessions, petitioner is already on bail and it is no bodies case that in those cases petitioner has misused the concession of bail by issuing threats to the witnesses etc. Even, in the present case, there is no active role recorded in the FIR attributed to the petitioner. This is a case of recovery only on the basis of secret information. Recovery has already been effected and the weapon is now in the malkhana of the concerned police station. The present case is triable by the Court of learned Magistrate and conclusion of the same would surely take sufficient time. As far as, stage of the case is concerned, on inquiry from the learned State counsel, it is revealed that after completion of investigation, challan has already been filed.

Based upon the aforementioned submissions and observations, the present petition is allowed. Petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

(SANJAY VASHISTH)
JUDGE

September 15, 2022
J.Ram

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