

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

222

CRM-M-38989-2022 (O&M)

Date of decision: 07.12.2022

Birbal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. I.S. Dhaliwal, Advocate for the petitioner.

Mr. Gurlal Singh Dhillon, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

CRM-31672-2022

Application is allowed as prayed for.

Main case:

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 78 dated 13.04.2022, registered under Sections 399, 402 IPC and Section 411 IPC and Sections 25, 27 of the Arms Act, 1959, added later on, at Police Station City Malout, District Sri Muktsar Sahib.

Learned counsel for the petitioner submits that the FIR was registered on a secret information; that the petitioner was indicted in the present case on the disclosure statement of Sukhwinder Singh @ Sukh; that the petitioner in his disclosure statement stated that he had handed over a the country made pistol to co-accused Gagandeep Ram, who stated that he had returned the pistol to the petitioner and who had given the same to some unknown person for its repair and said person had not returned the same; that co-accused Sukhwinder Singh @ Sukh and Gagandeep Ram are on bail; that

the petitioner has been in custody since 05.04.2022; that as far as two other cases, are concerned, the petitioner is on bail in those cases and that the prosecution witnesses are yet to be examined.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has actively participated in the occurrence and he is a habitual offender and is involved in two other cases. However, he does not dispute the custody period of the petitioner and the fact that the petitioner was involved in the present case on the basis of disclosure statement of co-accused and two co-accused are on bail. 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 05.04.2022. The petitioner was indicted in the present case on the disclosure statement of the co-accused Sukhwinder Singh @ Sukh, who is on bail and Gagandeep Ram, to whom the petitioner handed over the pistol is also on bail. Moreover, in two other cases, the petitioner is on bail. 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

07.12.2022
Mangal Singh

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