

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

(THROUGH VIDEO CONFERENCING)

CRM-M-42445-2021 (O&M)

Date of Decision: 11.3.2022

Sarwan Singh @ Samma

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Manish Prabhakar, Advocate
for the petitioner.

Ms. Ishneet Kaur, AAG, Punjab.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.103 dated 26.5.2021 registered for the offences punishable under Sections 24, 25, 54, 59 of Arms Act and Sections 379, 411, 473 and 201 IPC and Sections 27-A & 27-B of NDPS Act at Police Station Civil Lines, Batala, District Gurdaspur.

Counsel for the petitioner submitted that as per prosecution version, 3 fire arms and certain live cartridges were recovered from the possession of the petitioner and he is in custody since 26.5.2021. He further submitted that as per reply submitted by the State dated 24.2.2022, the petitioner has not committed any offence under NDPS Act. He made prayer for grant of regular bail to the petitioner.

Counsel for the State submitted that the State has already filed detailed reply, as per which, fire arms and ammunition were recovered from

the petitioner who was arrested on 26.5.2021. She further submitted that charges have already been framed but till date, no prosecution witness has been examined and in view of these circumstances, counsel for the State submitted that the present petition be dismissed.

I have considered the submissions made by the counsel for the petitioner as well as counsel for the State.

In its reply dated 24.2.2022, State has admitted that only allegations against the petitioner are relating to offence under Section 25 of Arms Act and there is no allegations against the petitioner relating to any offence under NDPS Act. As per aforesaid reply, one pistol .32 bore, one pistol .30 bore, 2 *desi kattas* of 315 bore each and 22 live cartridges of different bores were recovered from the possession of the petitioner after his arrest by the police on 26.5.2021. Admittedly, investigation in this case has been completed and charges are framed by the trial Court. The petitioner is presently lodged in judicial custody. In the present scenario, it will take time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

March 11, 2022

Paritosh Kumar

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No