

CRM-M-44516-2022
CRM-M-49174-2022

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

Sr. No.210

CRM-M-44516-2022
Date of decision : 9.12.2022

Santosh Nigam

.....Petitioner(s)

VERSUS

State of Haryana

..... Respondent(s)

CRM-M-49174-2022

Rai Singh

.....Petitioner(s)

VERSUS

State of Haryana

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.Pawan Hooda, Advocate for the petitioner
in CRM-M-44516-2022

Mr.MK Taya, Advocate for the petitioner
in CRM-M-49174-2022

Mr.Tanuj Sharma, AAG, Haryana

AMAN CHAUDHARY, J.

The present petitions have been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioners in case FIR No.342 dated 18.8.2021, registered under Section 25(1-B)(a) of the Arms Act (later on challan has been presented under Section 25(1-AA)/ 54/59 of the Arms Act at Police Station Industrial Sector 29, Panipat. District Panipat

Learned counsel submit that the petitioners were not named in the FIR and his name surfaced in the disclosure statement of co-acused, Heera Lal, whose name was disclosed by main accused Mehfuj @ Fouji, who was arrested at the spot and recovery of 5 country made pistols and 10

cartridges was effected and he has since been granted regular bail by this Court vide order dated 4.8.2022, passed in CRM-M-23436-2022. It is further submitted that the petitioners are in custody since 30.8.2021. They are not involved in any other criminal case. He further submits there are a total of 10 prosecution witnesses, out of which 5 have been examined.

Learned State counsel opposes the bail petition on the ground that the petitioners were the suppliers of the arms and ammunition recovered from the co-accused. However, he is unable to controvert the fact that the petitioners are in custody since 30.8.2021, there are a total of 10 PWs, out of which 5 have been examined and the petitioners are not involved in any other criminal case.

Heard.

Keeping in view the facts and circumstances of the case, in particular, that the petitioners, are in custody since 30.8.2021; not involved in any other criminal case, main co-accused Mehfooj @ Fouji has already been enlarged on bail; since, there are a total of 10 PWs, out of which 5 have been examined, conclusion of the trial will take a considerable time, their further detention behind the bars would not serve any useful purpose, thus, the present petitions for grant of regular bail deserve to be allowed.

As a result, the present petitions are allowed. The petitioners are ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to them not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioners will not tamper with the evidence during the trial.
2. The petitioners will not pressurise/ intimidate the prosecution witnesses.
3. The petitioners will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioners shall surrender their passport, if any, and will not leave the country without the permission of the Trial Court.
5. The petitioners shall not commit an offence similar to the offence of which, they are an accused, or for commission of which they are suspected of.

- 6. The petitioners shall not directly or indirectly coerce, inducement, threaten or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- 7. The petitioners shall not in any manner misuse the liberty.
- 8. The petitioners will furnish correct mobile number and residential address and shall not change the same without prior intimation to the trial Court.

It is made clear that in case of any infraction of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioners by this order.

Nothing stated hereinabove be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made above, which have only been made for the purpose of adjudicating the present petitions for grant of regular bail.

Photocopy of the order be placed on the file of the connected case.

9.12.2022
gsv

(AMAN CHAUDHARY)
JUDGE

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