

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

CRM-M-50272-2021
Date of Decision:-02.02.2022

KARAMJIT SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Param Preet Singh Brar, Advocate
for the petitioner.

Mr. R.S. Khaira, AAG, Punjab.

KARAMJIT SINGH, J. (Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

Prayer is for grant of regular bail in case having FIR No.39
dated 22.5.2021 registered under Section 25 of Arms (Amendment) Act,
2019 at Police Station Sadiq, District Faridkot.

The counsel for the petitioner has contended that the petitioner
was falsely implicated in this case by foisting false recoveries on him. It is
further contended that the petitioner is behind the bars for the last more than

7 months and trial is yet to begin. The counsel for the petitioner prays for grant of regular bail to the petitioner during the pendency of the trial.

The present petitioner is contested by the State counsel, who submitted that different types of fire arms and ammunition were recovered from the petitioner during the investigation of the case. It is further contended that the petitioner is also facing other criminal case under Section 307 IPC. The State counsel has not disputed the factual position regarding the custody period as has been detailed in the custody certificate dated 21.1.2022.

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

As per the allegations appearing on the record, the petitioner was apprehended by the police and on his search, one pistol of .45 bore along with 5 lives cartridges of same bore was recovered on 21.5.2021. During investigation, one another pistol of .45 bore along with 7 live cartridges, one another pistol along with 10 live cartridges and one more pistol and 5 lives cartridges of 9 mm were recovered at the instance of the petitioner on the basis of the disclosures made by him.

As per the reply/status report submitted on behalf of the State, challan has been presented against the petitioner on completion of the investigation and the case is fixed for framing of charges. The State counsel on instructions of ASI Karamjit Singh, brought to the notice of the Court that report of FSL and sanction of District Magistrate are still awaited.

The recoveries have already been effected in this case as has been discussed above. As per the custody certificate, the petitioner is in

custody for the last more than 7 months. It will take time for conclusion of the trial due to prevalent COVID-19 situation as well as the fact that the report of FSL and sanction of District Magistrate are still awaited. In the given circumstances the present petition cannot be rejected just on the ground that petitioner is also facing one another criminal case under Section 307/429 IPC and under Sections 25/27 of Arms Act.

In the light of the above, no fruitful purpose is going to be served even if the petitioner is kept in judicial custody for indefinite period. Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the CJM/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

02.02.2022
Gaurav Sorot

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