

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50671-2021 (O&M)
Date of decision: 28.01.2022

Vainket Garg

... Petitioner

Vs.

U.T. Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. J.S. Toor, APP, U.T. Chandigarh.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.76 dated 15.10.2021 under Section 25 of Arms Act, registered at Police Station I.T. Park, Chandigarh.

On 24.01.2022, following order was passed by this Court: -

“...Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of SI Neeraj Kumar, while on patrol duty for checking and prevention of theft and snatching, a secret informer gave information that a boy, whose name is Vainket Garg and is facing an earlier case of attempt to murder and belongs to a gang, is roaming and may come to Chandigarh for committing some offence. On receiving

this information, a barricade was put and the petitioner was apprehended along with his car and recovery of a country-made pistol was effected along with live cartridge. Learned counsel has placed on record certain documents in vernacular, to submit that recovery from the petitioner was effected on 14.10.2021 by SI Neeraj Kumar and witnessed by Constable Jasveer Singh, however, the FIR was registered on 15.10.2021 and it is stated in the FIR that the petitioner was arrested on 15.10.2021 and recovery of illegal weapon was effected.

Learned counsel has referred to the arrest memo, which is also dated 15.10.2021 signed by Investigating Officer SI Neeraj Kumar and Constable Jasveer Singh and arrest information is of the same date. It is thus submitted that the petitioner, who was to appear in an FIR, already pending against him, before District Courts, Sector-43, Chandigarh, he was picked up by CIA Staff on 15.10.2021 outside the Court Complex and he was involved in the present FIR by showing the recovery of an illegal weapon from him, though the recovery memo reflects the date as 14.10.2021.

Learned APP, U.T. Chandigarh could not dispute the factual position, however, it is submitted that the petitioner is involved in some other cases and has no clear antecedents.

List again on 28.01.2022...”

Learned APP, U.T. Chandigarh could not dispute the fact that in the recovery memo, which is signed by SI Neeraj Kumar, giving the date as 14.10.2021, bears the complete details of FIR No.76 dated 15.10.2021.

A perusal of the personal search memo and arrest memo shows that the petitioner was arrested on 15.10.2021 and it raises doubt about the manner, in which the investigation has been conducted showing the arrest and recovery of 14.10.2021.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

28.01.2022
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No