

CRM-M-48598 of 2022

:1:

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-48598 of 2022

Date of Decision: October 28, 2022

Bunty

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Hitesh Chopra, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.98 dated 09.08.2022, under Sections 25/54/59 of Arms Act, registered at Police Station Division No.1, District Pathankot.

Learned counsel contends that name of the petitioner has surfaced based on a disclosure statement made by one Ranjit Singh who had been arrested at the spot with the recovery of unlicensed arms. He further submits that his arrest has not lead to any further recovery. He further contends that only attribution to the petitioner in the disclosure statement is that the weapon recovered from co-accused Ranjit Singh was purchased from the petitioner. He submits that the said evidence is inadmissible qua the petitioner. He has been in custody since 27.08.2022. He further submits that consequent on the very next day of his arrest the false case was planted upon the petitioner wherein 10 grams of psychotropic

substance is alleged to have been recovered from him pursuant to a confessional statement made by him in custody, in which case he has been granted bail by the learned Sessions Judge. He further submits though challan has been filed, charges are yet to be framed. Learned counsel submits that co-accused has already been granted bail by this Court in **CRM-M-42384-2022 titled Gurpreet Singh @ Gopi Vs. State of Punjab** passed on 20.09.2022.

Learned counsel for the petitioner relies upon judgment rendered by Hon'ble Supreme Court in case of **Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (1) R.C.R. (Criminal) 586.**

Contrarily learned State counsel on instructions from ASI Kuldeep Raj submits that there are two cases registered against the petitioner and he is in the business of selling illegal weapons. He however, is unable to controvert the fact that petitioner in this case was involved based on a disclosure statement which has led to no further recovery from him, he has been in custody since 27.08.2022, and the charges in the case are yet to be framed and there are 19 witnesses in all.

I have heard learned counsel for the parties.

In view of the facts and circumstances of the case in particular that the petitioner has been involved in the present case based on disclosure statement which has not led to any further recovery, admissibility of such evidence shall be seen during the trial; he has been in custody since 27.08.2022; co-accused has already been granted regular bail by this Court vide order dated 20.09.2022; though challan has been filed, charges are yet to be framed, his further detention behind bars would not serve any useful

purpose, the present petition for grant of regular bail deserves to be allowed.

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

- “1. The petitioner will not tamper with the evidence during the trial.*
- 2. The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- 3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- 4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- 5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
- 6. The petitioner shall not in any manner misuse his liberty.*
- 7. Any infraction shall entail in withdrawal of the benefit granted by this Court.”*

In view of the above, this Court makes it clear that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

October 28, 2022
rimpal

(AMAN CHAUDHARY)
JUDGE

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