

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

\*\*\*

CRM-M-52042-2022(O&M)  
Date of decision : 17.11.2022

Parveen @ P.K.

... Petitioner

Versus

State of Haryana

... Respondent

***CORAM: HON'BLE MR.JUSTICE VIKAS BAHL***

Present: Mr.Sunil Kr. Pandey, Advocate  
for the petitioner.

Mr. Gurbir S. Dhillon, AAG, Haryana.

**VIKAS BAHL, J.(ORAL)**

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.122 dated 07.03.2022 registered under Sections 25, 54, 59 of the Arms Act at Police Station Hodal, District Palwal, Haryana.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 07.03.2022 and the investigation is complete and the challan has already been presented and out of 7 witnesses, 4 have been examined. It is submitted that in the present case, neither any injury has been caused to any person nor any overt act has been attributed to the present petitioner.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioner was apprehended with 2 country made pistols and 3 live cartridges and is also

Learned counsel for the petitioner, in rebuttal, has relied upon the judgment of Hon'ble Supreme Court in ***“Maulana Mohd. Amir Rashadi vs. State of U.P. and another”***, reported as ***2012 (2) SCC 382*** to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced hereinbelow:-

*“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”*

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 07.03.2022 and the investigation is complete and the challan has already been presented and in the present case, neither any injury has been caused to any person nor any overt act has been attributed to the present petitioner.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses,

then it would be open to the State to move an application for cancellation of

bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending miscellaneous application stands disposed of in view of the abovesaid order.

(VIKAS BAHL)  
JUDGE

November 17, 2022  
*Davinder Kumar*

|                             |        |
|-----------------------------|--------|
| Whether speaking / reasoned | Yes/No |
| Whether reportable          | Yes/No |