

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3325-2023
DECIDED ON: 29.03.2023

BALWINDER SINGH
.....PETITIONER

VERSUS

STATE OF PUNJAB
MoRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Mohd. Jameel, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.124 dated 05.12.2022 under Sections 386, 412 IPC, 1860 read with Section 25 (6), (7) of Arms Act, 1959 registered at Police Station Mehna, District Moga.

Mr. Mohd. Jameel, Advocate has appeared on behalf of the petitioner and filed his vakalatnama in the Court today. The same is taken on record.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the instant case despite the fact that CCTV footage and other cogent evidence produced before the prosecution at the time of investigation which shows the petitioner's presence at a different place where the alleged occurrence has taken place in the instant FIR.

Learned State counsel has produced the custody certificate of the petitioner in the Court and the same is taken on record, according to which the petitioner has undergone the sentence of three months and twenty days.

Learned State counsel has contended that the bail petition urging that the call details of the petitioner have been examined which shows that he

was in a constant touch with Manpreet and Arshdeep who are placed in Canada. This is the only evidence connecting the instant FIR as per the arguments raised by learned State counsel. He also states that there was a recovery of three live cartridges and 30 bore pistols from the possession of the petitioner.

Considering the facts in totality and arguments as well as defence made by learned State counsel connecting the petitioner to the commissioning of offence in the instant FIR does not inspire confidence of this Court as it is merely a recovery of 30 bore pistols with three live cartridges and the telephonic calls showing him in touch with the other co-accused who are placed in Canada. It is not in any manner show that the petitioner was involved in the commissioning of offence or that weapon is used in commissioning the offence.

In the light of the aforesaid discussions, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

29.03.2023
pchawla

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>