

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

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CRM-M-4320-2023

Date of decision: 04.05.2023

MOHIT @ BHUNDU**...Petitioner****VERSUS****STATE OF HARYANA****...Respondent****CORAM : HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. R.K. Girdhwal, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

DEEPAK MANCHANDA, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.111 dated 10.05.2022 under Sections 25 (1B)(a)-54-59 of the Arms Act, registered at Police Station Dujana, District Jhajjar.

Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the case in question on totally false and fabricated allegations. It is alleged that on 10.05.2022, on seeing the police party, the petitioner started walking fast and on the basis of suspicion, when the police party conducted the personal search of the petitioner, a country made pistol along with 01 round live load in the magazine was found from the right pocket of the pant of the petitioner, however, he was not having license of the said country made pistol. He also submits that the petitioner is in custody since 11.05.2022, investigation has already been concluded wherein challan stands presented, charges have been framed and out of total 10 prosecution witnesses only, 04 witnesses have been examined

till date and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail. He contends that the petitioner is involved in 09 other cases, wherein, in 03 cases he stands acquitted, in 01 case he admitted his guilt, in 01 case he is on bail and 04 cases are pending against him. Learned counsel for the petitioner refers to the judgment rendered by the Apex Court in ***Maulana Mohd. Amir Rashdi vs. State of Uttar Pradesh and Another in Criminal Appeal No. 159 of 2012.***

On the other hand, learned State counsel assisted by Investigating Officer has opposed the aforesaid prayer on the ground that allegations levelled against the petitioner are serious in nature. However, he has not disputed the fact that challan stands presented, charges have been framed and out of total 10 prosecution witnesses, 04 witnesses have been examined so far. Learned State counsel further submits that the petitioner is involved in 09 other cases.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 11.05.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the investigation has already been completed, challan stands presented, charges have been framed and out of 10 prosecution witnesses only 04 witnesses have been examined so far. Keeping in view the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail

subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

May 04, 2023
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(DEEPAK MANCHANDA)
JUDGE

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