

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

216

CRM-M-7417-2023

Date of Decision: 16.02.2023

Sunny Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Nitin Mittoo, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Joginder Pal)

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner, through instant petition under Section 439 Cr.P.C., is seeking regular bail in FIR No.191 dated 24.06.2022 under Sections 399, 402, 473 of IPC (Section 25 of Arms Act added later on), registered at Police Station Sahnewal, Ludhiana.

2. Learned counsel for the petitioner, *inter alia* submits that this Court vide order dated 20.12.2022 passed in CRM-M-49708-2022 has granted regular bail to the petitioner. The FIR was registered under Section 399, 402, 473 of IPC and accordingly, petitioner filed petition seeking regular bail before this Court qua Sections 399, 402, 473 of IPC. The police after investigation filed challan wherein Section 25 of Arms Act, 1959 was added, however, this fact was not in the knowledge of the petitioner and accordingly, petitioner could not bring this fact in the knowledge of this Court while passing of order dated 20.12.2022 and petitioner was granted concession of bail qua different Sections of IPC but not Arms Act, 1959.

3. Learned State counsel, *inter alia* contends that one pistol was recovered from co-accused, thus, provisions of Arms Act, 1959 were invoked. The charges stand framed under different Sections of IPC as well as Arms Act.

4. In view of the fact that petitioner has already been granted concession of regular bail vide order dated 20.12.2022 passed by this Court in CRM-M-49708-2022 qua different Sections of IPC and concededly, there was no recovery of arms from the petitioner and he has already suffered further incarceration of 2 months from the date of order granting regular bail qua offences under IPC, this Court is of the considered opinion that present petition deserves to be allowed and petitioner deserves to be released on bail qua offence under Section 25 of Arms Act apart from offences under IPC. The petitioner is ordered to be released on bail subject to conditions as may be imposed by Trial Court/Illaqa/Duty Magistrate concerned.

5. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

16.02.2023

Mohit Kumar

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No