

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

232-CRM-M-12798-2023 (O&M)

Date of Decision: 20.03.2023

SIKANDER @ CHINA @ BILLU

... Petitioner

VS.

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Ashit Malik, Advocate for petitioner

Sandeep Moudgil, J. (Oral)

The petitioner seeks regular bail in case FIR No.923 dated 01.10.2022 under Sections 307/120-B IPC and Sections 25(1)(B)/29 of Arms Act, registered at Police Station Sadar Karnal.

Learned counsel for the petitioner contends that he has been falsely implicated in the present case as he has been roped in on the basis of the disclosure statement of co-accused and the role attributed to the petitioner is that he accompanied the co-accused and obtained delivery of weapons from co-accused Parminder Singh @ Pindi and the said co-accused has already been granted the concession of regular bail by this Court in CRM-M-5030-2023 vide order dated 07.02.2023 (Annexure P2).

Notice of motion.

On the asking of the Court, Mr. Ashok Kumar Sehrawat, DAG Haryana accepts notice and has filed custody certificate dated 17.03.2023, which is taken on record. According to which, the petitioner has undergone 5 months and 8 days of actual custody. He states that challan has been presented and charges are yet to be framed and prosecution witnesses are yet to be examined. He also submits that the petitioner is habitual offender and has been found involved in another case.

In view of the fact that the role attributed to the petitioner is that he has purchased the weapons from co-accused Parminder Singh @ Pindi and supplied it further, though no recovery has been effected from him, therefore, prosecution case is belied as has been argued by the counsel for the petitioner and also taking into consideration the fact that the trial is likely to take some time, therefore, no fruitful purpose will be served by keeping the petitioner behind bars, the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition is, therefore, allowed.

20.03.2023

V.Vishal

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No