

CRM-M-14137-2023

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(237) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14137-2023

Date of Decision: 13.04.2023

JAGDEEP SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Mohit Jaggi, Advocate
for the petitioner.

Ms. Ramta Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.0024 dated 27.01.2023 registered under Section 25 of Arms Act, 1959 (Section 25(7) of Arms Act, 1959 added later on) at Police Station City, Kharar, SAS Nagar, Mohali.

2. The brief facts of the case are that while the police party had set up a *Naka*, secret information was received that Jagdeep Singh alias Jagar (petitioner) and Harish alias Kaka Nepali were roaming in the area for committing some crime with unauthorised weapons. There were multiple cases against Harish alias Kaka Nepali. In case, a *Naka* was set up near Shivalik City, then the two persons could be apprehended along with unauthorised weapons.

Based on the information, the FIR in question came to be registered. Thereafter, both the accused including the petitioner were apprehended. A .32 bore pistol and 3 live cartridges were recovered from

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Harish alias Kaka Nepali and a .32 bore pistol along with 3 live cartridges were recovered from the petitioner. During investigation, the co-accused Harish @ Kaka Nepali admitted that he had been delivering weapons to many persons in Punjab. Therefore, an offence under Section 25(7) of the Arms Act was added.

3. The learned counsel for the petitioner contends that the petitioner has been in custody since 27.01.2023 and is a first-time offender. None of the 12 prosecution witnesses had been examined so far. Therefore, the Trial of the present case was not likely to be concluded anytime soon and the petitioner was entitled to the grant of bail.

4. On the other hand, the learned State counsel contends that serious allegations have been levelled against the petitioner and his co-accused and therefore, he was not entitled to the grant of bail. He however does not dispute the fact that the petitioner is a first-time offender, in custody since 27.01.2023 and none of the 12 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties at length.

6. The veracity of the allegations levelled against the petitioner shall be established during the course of Trial. At this stage, as the petitioner is in custody since 27.01.2023, is a first-time offender and none of the 12 prosecution witnesses have been examined so far, his further further incarceration is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Jagdeep Singh son of S. Wazir Singh is

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ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

13.04.2023

JITESH

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