

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

CRM-M-16309-2023

Date of Decision: 13.04.2023

Balraj Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. K.B. Raheja, Advocate and
Mr. S.K. Bokolia, Advocate, for the petitioner.
Mr. Karunesh Kaushal, Assistant Advocate General, Punjab.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.29 dated 18.02.2023, registered under Section 25 of Arms Act, 1959, at Police Station Sadar Faridkot, District Faridkot.

As per fact of the case, the Police party received a secret information that Balraj Singh son of Jagdev Singh was standing on the roadside and was armed with illegal weapon. It was informed that there are chances of committing some incident by him. On receipt of the same, FIR under Section 25 of the Arms Act was registered and ruqa was sent. Resultantly, a raid was conducted and the petitioner was arrested on 18.02.2023 and a country made pistol and three live cartridges were recovered from him. The petitioner approached the Court of learned Additional Sessions Judge-I, Faridkot, for grant of bail who after hearing both the sides, declined the same vide order dated 14.03.2023. Aggrieved by the same, the petitioner is before this Court by way of filing the present petition praying for grant of regular bail.

Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case. He has submitted that the petitioner is residing in Canada and he came to India on 21.10.2022. He submits that only in order to restrain the petitioner from going back Canada, this false case was planted upon him on the basis of false and frivolous allegations. He submits that recovery shown from the petitioner is of country made pistol, which can be procured from anywhere by the Police. He submits that the petitioner is behind bars since the date of his arrest and till date the Investigating Agency has intentionally not concluded the investigation only in order to prolong his incarceration. He submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

On the other hand, learned State counsel has opposed the submissions made by learned counsel for the petitioner and has submitted that there was a specific secret information regarding the petitioner on the basis of which, the FIR was registered and raid was conducted. He submits that a country made pistol and three live cartridges were recovered from the petitioner. He submits that the investigation is almost complete and challan would be presented shortly. On instructions from ASI Chamkaur Singh, he submits that the petitioner is involved in two other cases.

Learned counsel for the petitioner has refuted the same and has submitted that FIR No.146 dated 12.10.2018, registered under Sections 307, 341, 34 IPC and Sections 25/27 of Arms Act, at Police Station Sadar, District Faridkot, has already been quashed by this Court against the petitioner vide order dated 30.01.2023 and another FIR for which the petitioner is booked is for the bailable offences.

Heard.

It is apparent that the petitioner is behind bars since 18.02.2023. The present FIR has been lodged on the basis of secret information, wherein, a country made pistol and three live cartridges were recovered from the petitioner. The other cases as alleged against the petitioner, one FIR has already been quashed by this Court against the petitioner vide order dated 30.01.2023. The Court would refrain itself from commenting anything on the merits of the case. Veracity of the allegations would be evaluated by the learned trial Court on the completion of the investigation. However, considering the prayer for grant of bail to the petitioner, I am of the view that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. The trial would take sufficiently long time for its conclusion.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing said herein shall be treated as an expression of opinion on the merits of the case.

13.04.2023
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Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No