

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

Sr. No. 230

CRM-M-18527-2023

Date of Decision:-09.05.2023

SOMBIR @ SOMAD

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Kamal Kumar Mor, Advocate for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

KARAMJIT SINGH, J. (Oral)

This petition has been filed under Section 439 Cr.P.C 1973, for grant of regular bail in case FIR No.217 dated 17.09.2022 (Annexure P-1) registered under Section 25, 54 of Arms Act 1959 at Police Station, Behal, District Bhiwani.

The allegations in nutshell are that on 17.09.2022, police apprehended the petitioner along with 0.9 mm country made pistol and since then he is in custody.

Counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and even otherwise the recovery has already been effected and petitioner is incarcerated for the last more than 7 months. He further submits that in most of the other criminal cases faced by the petitioner, he is either granted bail or stands acquitted.

Learned State counsel has opposed the present petition for grant of regular bail to the petitioner and submits that one country made pistol was recovered from possession of the petitioner. However, the

State counsel has not disputed the fact that after presentation of challan,

now charges are framed but till date no prosecution witness is examined.

Learned State counsel further submits that the petitioner is having criminal history and detail of the same is given in the custody certificate.

The recovery in this case is already effected and now trial is going on but till date no prosecution witness has been examined and all the offences are triable by the Court of Judicial Magistrate Ist Class. In the given circumstances, no fruitful purpose is going to be served by prolonging the judicial custody of the petitioner.

Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

09.05.2023
yogesh

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No