

2023:PHHC:114838

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

203

CRM-M-19181-2023 (O&M)

Date of Decision: 01.09.2023

MANMINDER SINGH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. KDS Hooda, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner in case bearing FIR No.14 dated 14.01.2023, registered under Section 25(1b)(a) of the Arms Act, at Police Station City Ratia, District Fatehabad.

Learned counsel for the petitioner submits that the petitioner has nothing to do with the present case; that the petitioner was indicted on the basis of the disclosure statement of co-accused, namely, Sandeep, from whom one pistol and 10 cartridges were recovered; that the allegation against the petitioner is that he had supplied the pistol and cartridges to the co-accused; that the petitioner has been in custody since 15.01.2023 i.e. for about seven and a half month; that nothing was recovered from the petitioner and that out of total 10 prosecution witnesses, only 2 have been examined so far, though 2 have been given up.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. She, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he had handed over the weapon to the co-accused and that the petitioner is a habitual offender and facing 15 more cases, out of which he stands convicted in one, acquitted in two and the remaining 12 are under trial. She further submits that the material witnesses are yet to be examined and thus, the petitioner be not granted the concession of regular bail.

While controverting the aforesaid submission made by the learned State counsel, learned counsel for the petitioner relies upon the judgments delivered by the Hon'ble Supreme Court in Prabhakar Tewari vs. State of U.P & Anr., Law Finder DocId#1670858.

I have heard the learned counsel for the parties.

Nothing was recovered from the petitioner. The petitioner was indicted on the basis of the disclosure statement of the co-accused. The petitioner has been in custody since 15.01.2023. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars. As far as 15 more cases are concerned, out of the said cases, the petitioner stands convicted in one, acquitted in two and the remaining 12 are under trial. Moreover, pendency of several criminal cases by itself is not ground to refuse the prayer for bail and in this regard reference is made to Prabhakar Tewari's case (supra).

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned

01.09.2023

Aman Jain

Whether speaking/reasoned

Whether reportable

(HARNARESH SINGH GILL)

JUDGE

:

:

Yes/No

Yes/No