

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

**CRM-M-21063-2023
DECIDED ON: 17.05.2023**

YADWINDER SINGH ALIAS YADU

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Sukhpreet Kaur Grewal, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 14, dated 03.02.2023, under Sections 25/54/59 of Arms Act, Sections 420, 465, 467, 468, 471, 120-B of IPC, 1860 added later on, registered at Police Station Payal, Ludhiana (Annexure P-1).

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the instant FIR, wherein whole story of the prosecution is concocted, who arrested from his office, as no forgery is proved on record because the license of gun, which was allegedly recovered from the accused is not related to him. Moreover, the photograph of the petitioner is not affixed on it and the same does not bear the signatures of any official. The stand of prosecution is absolutely false in the light of above that recovery is effected from his car. The further assertion is that the petitioner has never used

the license anywhere, therefore, offence under Sections 420, 465, 467, 468, 471 and 120-B cannot be attracted.

3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record, according to which, the petitioner has undergone incarceration of 3 months and 8 days as of now. Custody certificate further shows that the petitioner is involved in four other cases, but all pertains to difference offences, except one case bearing FIR No.149 dated 14.12.2019, registered at Police Station Payal, but the petitioner is on bail. He submits that investigation is complete, challan stands presented, charges are yet to be framed and custodial interrogation of the petitioner is not required, as no recovery is yet to be effected from the possession of the petitioner.

4. Considering the submissions made by respective counsel, no useful purpose would be served by keeping the petitioner behind the bars, wherein trial is likely to take some time, therefore, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

5. The present petition is allowed in the aforesaid terms.

6. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

17.05.2023

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>