

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

**CRM-M-35006-2022
DECIDED ON: 03.02.2023**

BALWAN

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Jainainder Saini, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking bail in FIR No.06, dated 04.01.2022, under Sections 392, 34 of the IPC, 1860 and Section 25 of Arms Act, 1959, Sections 120-B and 341 of the IPC, 1860 added later on, registered at Police Station Adampur, District Hissar.

Learned counsel for the petitioner contends that the offence under Section 25 of Arms Act stands deleted from the FIR and as far as the offence alleged to have taken place under Section 392 read with Section 34 of the IPC, 1860 is concerned, in the inquiry itself, it has come into the light that it was not a pistol but a toy gun/lighter.

Notice of motion.

On the asking of Court, Mr. Gagandeep Singh Chhina, AAG, Haryana accepts notice on behalf of the respondent-State, who has produced the custody certificate, which is taken on record. According to the custody certificate, the petitioner is behind the bars for the last 1 year and 11 days. He

submits on the basis of pervi report that it was a toy gun/lighter, which was used by the petitioner as has been revealed during the course of investigation. He further submits that the said toy gun/lighter was not used by the petitioner, which was actually used and belong to co-accuesd Ajay, who is in custody.

In the light of the aforesaid facts and circumstances, the petitioner is, therefore, directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

(SANDEEP MOUDGIL)
JUDGE

03.02.2023

Meenu/Poonam Negi

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No