

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

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**CRM M-42155 of 2023
Date of Decision: 31.08.2023**

Rupak Joshi

...Petitioner

Vs.

The State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Himanshu Malik, Advocate, for the petitioner.
Mr. Mohit Chaudhary, AAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has moved the present petition under Section 439 Cr.P.C. with a prayer to grant the concession of regular bail to him in case FIR No. 110 dated 26.07.2023 under Sections 25, 54 and 59 of Arms Act, Police Station Doraha, District Ludhiana.
2. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and has been falsely involved on the basis of the disclosure statement made by the co-accused. The petitioner was arrested in the present case on 28.07.2023 and after his arrest, one country made pistol .315 bore alongwith six live cartridges have been planted on the present petitioner. Learned counsel further contends that the petitioner is in custody for the last more than one month and the investigation has almost been completed against him and the challan is likely to be presented against him in the near future. He further contends that there is no other case against the present petitioner.

3. On the other hand, learned State counsel has opposed the prayer made by the learned counsel for the petitioner on the ground that a country made pistol alongwith six live cartridges have been recovered from the petitioner and he does not deserve the concession of bail.

4. I have heard learned counsel for the parties and perused the record.

5. From the above submissions, it is apparent that the recovery of a country made pistol and six live cartridges has already been effected from the petitioner and his custody is not further required in the present case. Still further, no other criminal case has been registered against the present petitioner.

6. In view of the above discussion, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

31.08.2023

amit rana

(N.S.SHEKHAWAT)

JUDGE

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