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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44963-2022
Date of decision: 25.07.2023

Jarnail Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. DPS Bajwa, Advocate
for the petitioner.

Mr. Arun Luthra, DAG, Punjab.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
111	29.07.2022	Shambu, District Patiala	452, 482, 34 of IPC, 1860 and 25 of Arms Act, 1959.

2. Version of the prosecution is that FIR, Annexure P-1, has been registered by a police official on the basis of secret information that three persons are involved in smuggling of fire arms from outside of the State and one of them is travelling on a motorcycle. A check post was set up and Harpreet Singh was apprehended with 13 country made pistols 32 bore with magazines, 10 empty magazines 32 bore, 10 live cartridges 32 bore.

3. Counsel for the petitioner contends that the petitioner is neither named in the FIR nor any recovery has been effected from him. He submits that in his disclosure statement, Harpreet Singh, named Satnam Singh, who was already in custody in other criminal cases and Satnam Singh in turn named the petitioner.

It is submitted that the petitioner was arrested on 06.08.2022 and is languishing

behind the bars despite the fact that the challan has been presented and prosecution evidence is underway. He submits that the petitioner was named as an accused in another criminal case bearing FIR No.269 dated 19.06.2015 lodged for a minor offence and was released on probation vide judgment dated 25.08.2018. He submits that the probation period is over.

4. *Per contra*, State counsel, upon instructions, has opposed the petition and has submitted that allegations against the petitioner is that he had purchased 2 country made pistols from co-accused Satnam Singh, which was further sold to Jeevanjit Singh and Gursimran Singh and separate FIR have been registered against Jeevanjit Singh and Gursimran Singh. Upon further instructions, he submits that charge was framed on 01.11.2022 and 2 out of 14 prosecution witnesses have been examined.

5. Having considered the submissions made by counsel for the parties, but without advertng to the merits or demerits of the arguments addressed, this Court is prima facie of the view that the role attributed to the petitioner, nature of allegations levelled against him and gravity of the offence allegedly committed by him shall be considered by the trial Court during the course of trial. Noticing that the petitioner is in custody for the last more than 11 months and there is remote possibility of an earlier conclusion of trial, this Court does not have any hesitation in accepting the prayer made in the petition.

6. Petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

7. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

25.07.2023

Parveen kumar

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