

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47171-2023

Date of Decision:22.09.2023

Bharat Bhushan @ Honey

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr.Nitish Sharma, Advocate with
Ms. Parul Sharma, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.52 dated 09.07.2023 registered under Sections 25/54/59 of Arms Act, at Police Station Singh Bhagwantpur, District Rupnagar.

2. As per the story of the prosecution, on 09.07.2023, a police team headed by ASI Kewal Singh was present near Bus Stand Mugal Majri, one clean shaved boy was standing on the left side of the road. On noticing the police party, the young boy got perplexed and tried to run away from the spot. However, with the help of the other police officials, he was apprehended and he disclosed his name and address to be Bharat Bhushan @ Honey son of Gopal Krishan resident of House No.2037, Mill Mill Nagar, Rupnagar. On checking, from the left pocket of his trouser, one 32 bore pistol along with magazines were recovered and on checking, the magazines, 6 live cartridges of 32 bore

were recovered from the magazine of the pistol. On checking the bag of the accused, one pistol 315 bore along with one cartridge of 315 bore were also recovered from him and he could not produce any licence to possess the said fire arms.

3. Learned counsel for the petitioner contends that a false case has been planted upon the petitioner. He was arrested in the present case on 09.07.2023 and is in custody since then. He further contends that the challan has already been presented against him and the next date of hearing before the trial Court is fixed on 26.09.2023 for framing of charges. Learned counsel further contends that even though, four other cases have been registered against the petitioner, but he is on bail in all the said cases.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner was arrested at the spot and the fire arms have been recovered from him. Apart from that, he is a habitual offender and does not deserve the concession of bail.

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

6. The petitioner was arrested in the present case on 09.07.2023 and is in custody since then and the trial Court may take considerable time in concluding the trial proceedings. No doubt, four more cases were registered against the present petitioner, but he can never be confined in jail for an indefinite period as the Hon'ble Supreme Court in the matter of ***Prabhakar Tewari Vs. State of U.P., and another 2020(1) R.C.R. (Criminal) 831*** has held that the pendency of several criminal cases against the accused cannot be the

basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of ***Maulana Mohd. Amir Rashadi Vs. State of U.P., and another 2012(1) R.C.R. (Criminal) 586.***

7. In view of the above discussion, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned subject to the following conditions:-

- (i) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to him.*
- (vii) *The concerned Court may insist on two heavy local surties and may also impose any other condition, in accordance*

with law, while accepting the bail bonds and surety bonds of the petitioner.

(viii) The petitioner shall report every 1st and 3rd Monday of English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st and 3rd Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.

22.09.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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