

2023:PHHC:133682
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48246-2023 (O&M)
Date of Decision:13.10.2023

Pawan Bhatia

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Dr. Sumati Jund, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

CRM-41788-2023

1. The application has been filed under Section 482 Cr.P.C with a prayer to amend the headnote, para No. 2 and the prayer clause of the bail present bail application and the same may be read as FIR No.19 dated 27.01.2023 registered under Section 307, 148,149,506,109,201,120-B of IPC and Sections 25,25-A, 27,29-A,54 and 59 of Arms Act, at Police Station Cantonment, Amritsar Punjab.
2. Notice of the application.
3. On the asking of the Court, Mr. M.S. Bajwa, DAG, Punjab, who is present in the Court, accepts notice on behalf of the respondent and he has no serious objection to the prayer made by the learned counsel for the petitioner.
4. The present application is allowed. The Registry of the Court is directed to carry out the necessary correction in this regard.

Main case

1. The petitioner has filed the instant petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 19 dated 27.01.2023 , registered under Sections 307, 148,149,506,109,201,120-B of IPC and Sections 25,25-A, 27,29-A,54 and 59 of Arms Act, at Police Station Cantonment, Amritsar Punjab.

2. Learned counsel for the petitioner contends that the petitioner has no connection with the alleged occurrence, which is the main subject matter of the present FIR. The petitioner was neither present at the place of alleged occurrence nor caused any injury to the alleged victim or any other person. Rather the petitioner is the owner of a gun house in the name and style of “Punjab Armour”, where the co-accused had deposited his licensed revolver. Even as per the case of the prosecution, the petitioner had allegedly done some overwriting in the entry No.1159 dated 23.02.2023 and at the most (even though not admitted by the petitioner) the petitioner could be charged with the offence under Section 201 IPC read with Section 465, 468,471 of IPC. Learned counsel further contends that in the present case he is in custody since 24.04.2023 and in the custody for the last more than five months.

3. 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 had forged and fabricated the record of the gun house.

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

5. It is the admitted case of the parties that the petitioner was neither present at the place of occurrence nor had participated in the alleged

occurrence. The only allegation against petitioner is that he had allegedly committed the forgery of the record of the gun house, just to give benefit to co-accused. The petitioner is in custody for the last five months and the challan has been already presented against him. Thus, further custody of the petitioner will not serve any meaningful purpose.

6. Without commenting on the merits of the case, 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.

7. The above observations have been made only for the limited purpose of disposal of the present bail application and shall not construed as an expression of opinion on the merits of the trial and the Trial Court shall decide the trial on the basis of evidence led before it by the parties.

13.10.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No