

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-54520-2022

Date of Decision: 29.3.2023

Sunil Jindal @ Balli @ Bablu

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. S.S.Jattan, Advocate
for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.44 dated 3.3.2022 registered for the offences punishable under Sections 25 of Arms Act at Police Station Jamalpur, Police Commissionerate Ludhiana.

Short reply filed on behalf of the State by way of affidavit of Superintendent, Central Jail, Ludhiana is ordered to be taken on record along with medical status report Annexure R-1.

As per allegations recorded in the FIR, on 3.3.2022, co-accused Gurpreet Singh @ Lucky was arrested by the police on the basis of the secret information and 12 live bullets of 32 bore and one car were recovered from his possession. Gurpreet Singh @ Lucky failed to produce any arms licence with regard to possession of said 12 live catridges. Thereafter, the

petitioner was named as accused and arrested in the present case on 8.7.2022.

Counsel for the petitioner *inter alia* contends that the petitioner was arrested in this case on 8.7.2022 and during investigation, no objectionable article was recovered from his possession and main accused Gurpreet Singh @ Lucky is already granted bail by the Court below and copy of the concerned bail order is Annexure A-1.

Present petition is resisted by the State counsel who submits that the petitioner was also named in the FIR along with Gurpreet Singh @ Lucky. However, State counsel has not disputed the fact that at the time of arrest of co-accused Gurpreet Singh @ Lucky, the petitioner was not accompanying him and further, during investigation, no objectionable article or incriminating item was recovered from the possession of the petitioner who is in custody since 8.7.2022. State counsel has also not disputed the fact that co-accused Gurpreet Singh @ Lucky is enlarged on bail by the learned trial Court vide order Annexure A-1.

I have considered the submissions made by the counsel for the parties.

Admittedly, in the instant case, no firearm or any other objectionable article is recovered from the possession of the petitioner. Recoveries are already effected in the present case and that too, from co-accused Gurpreet Singh @ Lucky and the petitioner is in custody since 8.7.2022 and it will take considerable time for the trial to conclude and all the offences are triable by the Court of Judicial Magistrate, 1st Class.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be

released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

March 29, 2023

Paritosh Kumar

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