

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

**CRM-M-59909-2022
DECIDED ON: 08.02.2023**

AJAY RAM AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Satnam Singh Thakur, Advocate
for the petitioners.

Mr. Mohit Kapoor, Addl. AG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail in FIR No.134, dated 19.10.2022, under Sections 25-29-30/54/59 of Arms Act, 1959, registered at Police Station Maqsudan, Jalandhar.

Learned counsel for the petitioners contends that the recovery of weapon, if any, effected from the possession of petitioners as has been alleged in the instant FIR, still, no overt act has been attributed to the petitioners except that merely on the basis of information given by one of the co-accused Mukesh Yadav, who is presently confined in Amritsar Jail and is doing duty of Langar and has hired two persons i.e., the present petitioners, for supply of pistols and arms to the gangsters in Punjab and it is alleged on the basis of the said information that the petitioners were apprehended at the bus stand alongwith other co-accused wherein 5 pistols and ammunitions were recovered from the possession of the petitioners.

Learned State counsel has produced the custody certificate and the same is taken on record. According to the custody certificate, the petitioners are behind the bars for the last 3 months and 17 days.

Looking into the totality of facts and circumstances, this Court is of the considered view that at this stage, prima facie it seems to be a concocted story and chances of false implication cannot be ruled out. In view of the fact that the person who is in custody namely Mukesh Yadav, who came to know about the act of the petitioners and other co-accused. Since the present petitioners and the co-accused are real brothers, they have been roped in the instant FIR on the basis of said information alone despite the fact that no overt act has been attributed to the petitioners for using of such fire arms except alleged supply of the pistols to the gangsters in Punjab but nothing has come forward to state that the same was supplied and also adding to this fact, that there is no other case pending against the petitioners.

In view of the same, petitioners are directed to be released on regular bail on their furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

(SANDEEP MOUDGIL)
JUDGE

08.02.2023

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>