

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-132 of 2023
Date of Decision:- 13.04.2023

Mohammad Juber @ Mohd Juber

....Petitioner

Vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Talim Hussain, Advocate for the petitioner.

Mr. N.K. Sheoran, DAG Haryana.

KARAMJIT SINGH, J.(Oral)

Prayer is for grant for regular bail to the petitioner in case having FIR No.339 dated 10.07.2022, registered under Sections 25(1)(A), 29B-54-59 of Arms Act (Section 25(1)(A) of Arms Act deleted and Section 25(1)(AA) added later on), Police Station Hodal, District Palwal.

As per the allegations appearing on the record FIR in this case was registered against co-accused Jam Singh and Killor Singh who were arrested by the police and on search of the bag carried by co-accused Jam Singh 11 country made pistols of .32 bore and 11 magazines were recovered. On search of the bag carried by co-accused Killor Singh 24 country made pistols of .32 bore and 6

country made pistol of .315 bore were recovered. During investigation of the case the present petitioner was nominated as an accused and resultantly arrested on 18.09.2022.

The counsel for the petitioner inter alia contends that petitioner has been falsely implicated in the present case and was arrested on 18.09.2022 and during investigation no objectionable article was recovered from the petitioner and presently he is lodged in judicial custody. It is further submitted that police has presented the challan but the trial is at its initial stage. So prayer is made that petitioner be released on bail.

The present petition has been resisted by the State counsel who submits that large number of country made fire arms were recovered from the possession of co-accused Jam Singh and Killor Singh by the police and subsequently, petitioner was also nominated as an accused and arrested on 18.09.2022. However, the State counsel has not disputed the fact that no incriminating article or fire arm was recovered from possession of the petitioner. The State counsel has not refuted the fact that on completion of investigation police has presented challan but the trial is at its initial stage.

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

Admittedly, the petitioner was not named in the FIR which was registered against Jam Singh and Killor Singh from whom

police recovered number of country made fire arms and during investigation the name of the petitioner had also surfaced and thereafter, he was arrested on 18.09.2022 and is presently lodged in judicial custody and during investigation no fire arm or objectionable article was recovered from his possession. On completion of investigation the police has presented the challan but it will take time for the trial to conclude.

In the given circumstances, no purpose is going to be served by keeping the petitioner behind the bars for any longer period. Thus, without commenting on the merits of the case the present petition is hereby accepted and the petitioner is ordered to be released on bail subject to furnishing bail and surety bonds to the satisfaction of the Trial Court/CJM/Duty Magistrate concerned.

Disposed of accordingly, so also the pending miscellaneous application(s), if any.

13.04.2023

P. Chawla

(KARAMJIT SINGH)
JUDGE

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