

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

236

2023:PHHC:160736

CRM-M-59809-2023

Date of decision: December 14th, 2023

Kuldeep @ Tiger

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kuldeep Sharma, Advocate
for the petitioner.

Ms. Jasleen Chahal, Assistant Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.321 dated 01.10.2023 under Section 25 of the Arms Act and Section 120-B of the IPC registered at Police Station City Mahendergarh.

2. Learned counsel for the petitioner, *inter alia*, contends that after the petitioner was arrested on the basis of an alleged secret information on 01.10.2023, the investigation had been completed as even the challan stood presented and charges framed against him, however, the prosecution evidence had not yet commenced. Hence, there was no likelihood of the trial concluding in the near future.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has informed the Court that a specific secret information had been received against the petitioner of smuggling weapons from Madhya Pradesh and pursuant to which he was apprehended along with a countrymade pistol.

She, on further instructions, has submitted that the petitioner is a

gangster, against whom another criminal case stands registered. However, she has not disputed that none of the 11 prosecution witnesses cited have been examined so far.

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

5. There is no likelihood of the trial concluding in the near future as the prosecution evidence is likely to commence today before the trial Court.

6. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

December 14th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No