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(236)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2965-2024

Date of Decision: 25.01.2024

MUKHTIYAR @ MUKHI

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rohit Mittal, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.171 dated 18.06.2023 registered under Sections 25-54-59 of the Arms Act at Police Station Nangal Choudhary, District Mohindergarh.

2. One Rahul came to be apprehended with 10 country made pistols and 40 live cartridges. He, however, suffered his disclosure statement that the said illicit weapons had been supplied to him by the petitioner-Mukhtiyar @ Mukhi. The petitioner was arrested and got recovered 5 country made pistols and 7 live cartridges.

3. The learned counsel for the petitioner contends that he has been falsely implicated in the present case. The recovery had been planted upon him. The disclosure statement of the arrested accused did not further the prosecution case. Merely because there were other cases registered against

him did not disentitle him to the grant of bail. As he was in custody since 27.07.2023 but none of the 11 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. On the other hand, the learned State counsel contends that pursuant to the petitioner being named in the disclosure statement of the arrested accused Rahul, multiple illicit weapons were recovered from him. Further, he was accused in 4 other cases. Therefore, he was not entitled to the concession of bail. He, however, concedes that the petitioner was in custody since 27.07.2023 and that none of the 11 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 27.07.2023 and none of the 11 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Mukhtiyar @ Mukhi son of Manjeet Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

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8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the Trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from the trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

25.01.2024

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No