

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3070-2024
DECIDED ON: 25.01.2024

MUTHYAR ALIAS MUKHI
.....PETITIONER

VERSUS

STATE OF HARYANA
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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

Mr. Gurbir Singh Dhillon, AAG Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.114, dated 03.05.2022, under Section 25(1)AA of Arms Act, registered at Police Station Nangal Choudhary, District Mohindergarh (Annexure P-1).
2. Learned counsel for the petitioner submits that it is a case of no injury and the petitioner has been falsely implicated in the instant FIR. He further submits that the petitioner is in custody since 02.08.2023 and trial is moving at a snail's pace, wherein charges are yet to be framed, but investigation is complete and challan stands presented on 30.10.2023.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He submits that the recovery of country made pistol was effected from the possession of co-accused, who named the petitioner and, therefore, the petitioner is directly associated in the dealing of arms for which he does not deserve the concession of regular bail.

4. Be that as it may, considering the custody period i.e., 5 months and 23 days, wherein nothing has been recovered from the possession of the petitioner and it is a case of no injury added with the fact that the investigation is already complete, no fruitful purpose would be served by keeping the petitioner behind the bars for an indefinite period during the course of trial proceedings, which would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this Court, while relying upon the judgment of the Apex Court passed in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.***

5. In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

6. The present petition, is hereby allowed.

7. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

25.01.2024

Meenu

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