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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-5303 of 2024

Date of decision:- 07.02.2024

KARANJOT SINGH @ NONA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Gursimran Singh Madaan, Advocate
for the petitioner.

Mr. Harpreet Singh, Addl. AG, Punjab.

SANJIV BERRY, J. (ORAL)

The instant second petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
44	26.02.2023	25 Arms Act and 511 and 120-B IPC (384, 385, 386 IPC since discharged)	Sadar Khanna, District Ludhiana

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that petitioner was arrested on 26.02.2023 and two country made pistols have been recovered from his possession. He submits that police has

added offences under Section 384, 385, 386 IPC but the trial Court has not framed charges there under but for offences under Section 25 of the Arms Act read with Section 120-B and 511 IPC vide order dated 14.12.2023 (Annexure P-2). He submits that no other criminal case is pending against the petitioner, co-accused Davinder Singh has already been granted concession of bail by this Court vide order dated 25.01.2024 passed in CRM-M-3103-2024, as such he prays for grant of concession of bail to the petitioner.

3. Learned State counsel has opposed the bail application by arguing that considering the nature and gravity of the offence, petitioner is not entitled for concession of bail. However, he has not controverted the factual matrix of the case.

4. After considering the rival contentions and perusing the record, it transpires that petitioner was arrested on 26.02.2023 and since then he is in custody. It is admitted that co-accused Davinder Singh has been granted concession of bail by this Court vide order dated 25.01.2024 passed in CRM-M-3103-2024. The challan has been presented in the Court and charges have been framed and out of 17 witnesses cited by the prosecution none of them has been examined till date, conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time and no useful purpose would be served by keeping the petitioner behind bars any longer.

5. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to

be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

07.02.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No