

257

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-6666-2024
Date of decision:-07.03.2024

GURJANT SINGH @ JANTA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Ms. Sukhpreet Kaur Grewal, Advocate
for the petitioner.
Mr. Japjot Singh, Addl. AG, Punjab.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed reply Custody certificate dated 06.03.2024, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

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

FIR No.	Dated	Sections	Police Station
14	03.02.2023	25 Arms Act, (420,465,467,468,471, 120-B IPC added lateron)	Payal, District Ludhiana

3. It is *inter alia* contended by learned counsel for the petitioner

that the petitioner is innocent and has been implicated in this case on the basis of alleged disclosure statement made by accused Yadwinder Singh @ Yadu that the petitioner has facilitated the preparation of fake arms license for him. He submits that the petitioner is in custody since 04.12.2023 and has no concern with the allegations levelled in the FIR nor he facilitated any such license being prepared. He submits that the accused Yadwinder Singh @ Yadu on whose disclosure statement petitioner was arrested, has already been granted concession of bail by this Court vide order dated 17.05.2023 (Annexure P-5). Hence he prays for grant of concession of bail to the petitioner.

4. *Per contra*, learned State counsel has opposed the bail by arguing that the petitioner has facilitated the preparation of fake arms licence to co-accused Yadwinder Singh @ Yadu as such he prays for dismissal of the bail petition.

5. After considering the rival contentions and perusing the record, it transpires that petitioner is in custody since 04.12.2023 and he was nominated on the basis of disclosure statement made by accused Yadwinder Singh @ Yadu who has since been granted concession of bail by this Court (Annexure P-5). The allegation qua the petitioner is that he has facilitated preparation of fake arms licence for Yadwinder Singh @ Yadu but nothing has cropped up in his custodial interrogation as submitted by ASI Parmod Kumar present in Court. Challan has already been presented in Court and conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner as such the petitioner cannot be allowed to suffer

incarceration any longer.

6. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served by keeping the 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.
7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)

JUDGE

07.03.2024

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