

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7788-2024 (O&M)

Date of Decision: 28.02.2024

Ajit @ Sandeep @ Rahul ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Saleem Ahmed, Advocate, for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

FIR No.	Dated	Police Station	Section/s
70	01.04.2023	P.S. Narwana Sadar, District Jind	Section 25(1-A). 29-54-59 of Arms Act; Section 21-61-85 of the NDPS Act and Sections 420, 489-A, 489-B, 489-C IPC

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of aforementioned FIR.
2. The FIR in question was lodged pursuant to receipt of secret information by the police to the effect that Ravi, Vijay, Rinku and Aman were travelling together in i20 car and were carrying contraband, fake currency and arms. Pursuant to receipt of said information, the police set up barricading and was able to intercept the car in question and the aforesaid 4 persons were apprehended by the police. It is further the case of prosecution that while Rinku was found in possession of fake currency of

- various denomination amounting to Rs.20,000/-; Vijay is alleged to have been found in possession of 20.2 grams of '*heroin*' and one .315 bore country made pistol with one live cartridge; Aman was found in possession of 20.2 grams of contraband and Ravi was found in possession of .315 bore country made pistol.
3. Learned counsel for the petitioner submits that admittedly the petitioner was never ever present at the spot, when co-accused were apprehended by the police and came to be nominated subsequently during the interrogation of co-accused Vijay, who disclosed that he had procured the country-made pistol from the petitioner. It has been submitted that no sanctity can be attached to such like disclosure statement. It has been submitted that the petitioner has been behind bars since the last more than 10 months and since there is no allegation pertaining to petitioner himself having dealt with any contraband, he deserves the concession of bail particularly when co-accused Vijay, who was apprehended at the spot, has already been granted regular bail vide order dated 01.02.2024 passed in CRM-M-4120-2024.
4. Opposing the petition, learned State counsel has submitted that since the petitioner had supplied the arms to the co-accused so as to facilitate the commission of other offences, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner has been behind bars since the last 10 months & 22 days and that the petitioner happens to be involved in three more cases. It has also been informed that as on date none out of cited 27 PWs has been examined.

5. This Court has considered rival submissions.
6. Admittedly, the petitioner was not arrested at the spot and came to be nominated subsequently on the basis of disclosure statement of co-accused Vijay. The admissibility of such like statement would be debatable. Said co-accused Vijay has already been granted bail. The petitioner has been behind bars since the last more than 10 months and none out of cited 27 PWs has been examined so far. In these circumstances, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

28.02.2024

Vimal

**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**