

CRM-M-12085-2024

226 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-12085-2024
Decided on:-16.04.2024

Surinder Kumar @ BhaiaPetitioner..

vs.

State of PunjabRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Devansh Khanna, Advocate for
Mr. Vaibhav Narang, Advocate,
for the petitioner.

Mr. Athar Ahmed, DAG, Punjab.

Mr. Subhash Chand, Advocate,
for the complainant.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case bearing FIR No.142, dated 08.12.2023, registered under Section 307 IPC and Sections 25,27 of the Arms Act, 1959, at Police Station D Division, District Police Commissionerate Amritsar, wherein, the petitioner has been implicated on the basis of disclosure statement made by Prince.

2. The prayer made herein has been opposed at the instance of learned State counsel while referring to the antecedents of the petitioner, who is stated to be involved in 03 more cases under the provisions of NDPS Act and thus, prays for dismissal of the present petition.

3. I have heard learned counsel for the parties and gone through

the paper book and find substance in the submissions made on behalf of the petitioner.

4. In the present case, investigation already stands concluded with the filing of challan on 04.03.2024 and the petitioner is behind the bars for the last more than 02 months.

4.1 Furthermore, the parties, who are residents of nearby vicinity have already entered into a settlement while keeping in view their safety and future and even filed a petition seeking quashing of the FIR based thereupon. In addition, the petitioner was arrested only on the basis of disclosure statement made by Prince, besides it, no recovery has been effected from him and he has not been attributed any specific role in the FIR except for having supplied fire arm to co-accused Prince.

5. In view of the aforesaid facts and circumstances, I do not find any reason to extend the incarceration of the petitioner any further.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

7. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

16.04.2024
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(HARKESH MANUJA)
JUDGE

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