

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

108 + 241

2024:PHHC:056677
CRM-M-18288-2024 (O&M)
Date of decision: April 25, 2024

NARAIN SINGH @ NARAIN @ SAJAN
...Petitioner

Versus

STATE OF PUNJAB
...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-17884-2024

The instant application has been filed under Section 482 Cr.P.C. for placing on record copy of FIR No.172 dated 23.09.2023 under Sections 399, 402 IPC and Section 25 of the Arms Act, Sections 21 and 29 of the NDPS Act (and Sections 307, 216 IPC added later on) registered at Police Station Sadar, Tarn Taran as Annexure P-3 as well as the order of the co-accused namely Karan Singh as Annexure P-4.

For the reasons mentioned in the instant application, the same is allowed and the said documents are taken on record.

CRM-M-18288-2024

1. The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.172 dated 23.09.2023 under Sections 399, 402 of the Indian Penal Code, 1860; Section 25 of the Arms Act, 1959; Sections 21 and 29 of the NDPS Act, (and Sections 307 and 216 IPC added later on), registered at Police Station Sadar, District Tarn Taran.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the instant case; he was neither named in the FIR in question, which has been annexed as Annexure P-1, nor was he attributed any specific role therein. Rather, the only role attributed to the petitioner was of harbouring co-accused Avtar Singh, who had been declared a proclaimed offender (PO) in some other FIR. It has been further submitted that it is also a matter of record that neither was any weapon of offence, any other firearm or contraband etc. was affected from the petitioner, when he was arrested on 29.09.2023. Learned counsel has further submitted that since the investigation in the case in hand is complete and challan stands presented, further incarceration of the petitioner would serve no useful purpose. Further, there was no likelihood of the trial concluding in the near future since the charges were yet to be framed, coupled with the fact that as many as 21 witnesses had been cited by the prosecution.

3. *Per contra*, learned State counsel, while opposing the prayer made by the counsel opposite, on instructions, has not disputed the factual aspect of the role attributed to the petitioner in the crime in question. It has also not been disputed that when the petitioner was arrested on 29.09.2023, no recovery of either any contraband or firearm was effected from him. Learned State counsel has also not disputed the stage of the trial and has further submitted that the next date of hearing before the learned trial Court is 23.05.2024, when in all likelihood, the charges would be framed. On a pointed query, learned State counsel has apprised the Court that the petitioner is not involved in any other criminal case. Custody certificate of the petitioner has been filed in the Court today, which is taken on record subject to just exceptions.

4. I have heard learned counsel for the parties and perused the relevant material placed on record.

5. As not disputed by the learned State counsel, the petitioner was neither named in the FIR in question nor any suspicion raised *qua* his involvement in the alleged crime. The only role attributed to the petitioner was of harbouring a co-accused, who was absconding in some other FIR, registered against him. Challan stands presented and in the circumstances, keeping in view the role attributed to the petitioner, his further incarceration would serve no useful purpose as the trial would take considerable time to conclude.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner.

7. The petition as such is allowed, and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

April 25, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

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