

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-19129-2024 (O&M)
Date of Decision:-25.4.2024

Pardeep ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sanyam Khetarpal, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

FIR No.	Dated	Police Station	Section/s
92	14.3.2024	Sarai Khawaja, District Faridabad	25, 25(1) of Arms Act, 1959

GURVINDER SINGH GILL, J. (Oral)

- The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
- The translated gist of FIR as reproduced in paragraph No.2 of the petition, reads as under:

“Today, I, ASI, along with Constable Vikram 3822 and Constable Praveen 3843, were patrolling in the private car when we received information about suspicious activity near By pass turn Badarpur Border, Faridabad. The secret informant, informed us that a boy named Pardeep alias Dadi, residing in Lakadpur,

Faridabad, possesses an illegal weapon, he is waiting for someone near the Lakadpur gate, close to the cement godown. If immediate action is taken, the illegal weapon can be seized along with the suspect. Trusting the informant's information, we informed our colleague and reached near the cement godown gate at Lakadpur along with the informant. The informant, while sitting in the car, gestured and pointed out that the person standing on the road near the cement godown, wearing a white shirt and blue jeans, is Sachin, the one we were looking for. After confirming the identity, I ASI, with the help of our colleague while immediately getting off the apprehended the person and questioned him. Upon asking for his identity, the individual revealed his name as Pardeep alias Dadi, son of Jitendar, residing at F-85, Shiv Durga Bihar, Lakadpur, Faridabad, aged 19 years. A search was conducted, and from the right pocket of his worn pant, a country-made pistol was recovered. Upon checking, the barrel was found empty. Sachin was asked to produce a license for the illegal pistol found in his possession, but he failed to do so.”

3. Learned counsel for the petitioner submits that a false case has been foisted upon the petitioner, who otherwise has a clean record. Learned counsel for the petitioner submits that falsity of the case would be evident from the fact that names of two accused figure in the FIR i.e. Sachin as well as Pardeep, whereas it is also the case of the prosecution is that it is only Pardeep, who was arrested at the spot on 14.3.2024 and that upon his interrogation, he named Sachin as co-accused, who came to be arrested on 15.3.2024 and which is rather a inconsistent stand inasmuch as the police at the time of recording of the FIR, could not have visualized that the petitioner would name some Sachin. Learned counsel for the petitioner submits that, in any case, the alleged weapon i.e. country made pistol already stands recovered and, under these circumstances, the petitioner, who otherwise enjoys a clean record, is not required to be detained any longer.

4. Opposing the petition, learned State counsel submitted that there appears to be some typographical mistake in the FIR as regards mention of names. Learned State counsel has, however, not disputed the fact that the case of the prosecution is that Pardeep was arrested on 14.3.2024 and pursuant to his disclosure statement Sachin came to be arrested on 15.3.2024. It is also not disputed that the petitioner otherwise is not involved in any other case.
5. Having regard to the aforesaid facts and circumstances and the fact that further detention of the petitioner, who otherwise enjoys a clean record, is not going to render any useful purpose as the conclusion of trial is likely to take some time. The instant petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.4.2024
pankaj/geeta

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No