



226.

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

CRM-M-29990-2024
Date of decision: 22.07.2024

Satinder alias Sillu Petitioner

Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Sanjay Verma, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURBIR SINGH, J.

1. This petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.95, dated 21.02.2024, under Sections 25(6), 29, 54, 59 of Arms Act registered at Police Station Sadar, Thanesar, District Kurukshetra.
2. Learned counsel for the petitioner has argued that petitioner is in custody since 02.03.2024. He has been arrayed as an accused on the basis of disclosure statement made by co-accused namely Vishal Gondaria and no recovery has been effected from the petitioner. He further submits that challan has been presented.
3. Status report by way of affidavit of Om Prakash, HPS, DSP, City, Kurukshetra has been filed on behalf of the respondent-State. Learned State counsel, while opposing the bail petition on the ground that FIR has been registered under Sections 25(6) which deals with crime syndicate. 8

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illegal weapons and 115 live cartridges were found and 3 magazines were found separately. When 30 bore cartridges were checked, a total of 58 live cartridges were found with S B 7.62X25 written on their bottoms. When 32 bore bags were packed in the seizure memo, full 40 live sands were found with 7.65 KF written on their bottoms. When 315 bore was checked, a total of 17 live tramples were found on the bottom of which KF8MM was written. Illegal weapons were found from the co-accused Vishal Gondariya, who is alleged member of Bambiha gang. He further submits that there is no other evidence against the petitioner except the disclosure statement of the co-accused Vishal Gondariya,.

4. I have heard the submissions of learned counsel for the petitioner, learned State counsel and have gone through the paper book.

5. The recovery of illegal weapons and cartridges are effected from the co-accused Vishal Gondariya. At this stage, it is debatable if statement of the co-accused is made before the police can be used as evidence against the petitioner. Since there is no other evidence against the petitioner except the disclosure statement of co-accused made while in custody; no recovery is effected from the petitioner and he is in custody since 02.03.2024 so no useful purpose would be served by keeping the petitioner behind the bars.

6. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, concerned.



7. The petitioner shall get his mobile number registered in the trial Court for receiving messages through CIS and shall not change his mobile number during pendency of the case. The petitioner shall also get his mobile number registered with the concerned police station. In case petitioner changes his residence, he shall inform the Court concerned about his new address. In case of default, the learned trial Court is free to cancel the bail granted to the petitioner.

8. However, nothing contained hereinabove shall be construed as an expression of opinion on the merits of the case. If the petitioner indulges in the commission of any offence while on bail, the State would be at liberty to move an application for cancellation of his bail granted vide this order.

(GURBIR SINGH)
JUDGE

July 22, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No