2024:PHHC:086862

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-32042-2024
Date of Decision : **12.07.2024**

DEVANSH .....Petitioner

VERSUS

STATE OF HARYANA .....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms. Kusum Raj, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

Ms. Tanya, Advocate,
for the complainant

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, the petitioners craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.201, dated 01.05.2024, under Sections 25(6) and 25(8) of the Arms Act, 1959, (Section 29 of the Arms Act and Section 120-B of the IPC added later on), registered at Police Station Ram Nagar, District Karnal.

2. The prosecution agency was set into motion on a secret information wherein it was informed to the police officials that two boys namely Parvesh and Manjeet who were active members of a notorious gang, were sitting in parking near WJC Canal, Kachwa Bridge. On the basis of the secret information, raid was conducted and two boys were

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apprehended. The recovery of country made pistol (*katta*), and two live cartridges in its magazine, was effected from both the accused persons. During the investigation, on the basis of the disclosure statements, the name of the present petitioner was figured out. The allegation against the present petitioner is that he supplied the weapon to the main accused, who was arrested by the police.

3. In asking for the relief (*supra*), learned counsel for the petitioner, submits that except the disclosure statement there is nothing which could connect the present petitioner with the alleged crime.

4. She further submits that the petitioner is behind the bars since 05.05.2024 and has clean antecedents.

5. She next submits that even during the custodial interrogation, except the mobile phone, no recovery was effected from the present petitioner, which links him with crime.

6. Notice of motion.

7. Mr. Bhupender Singh, DAG, Haryana, accepts notice on behalf of respondent-State and vociferously opposed the asked for relief, and submits that the infact the petitioner has supplied the armaments to the members of the notorious gang including the co-accused who were arrested on the spot.

8. He has also placed on record a custody certificate *qua* the petitioner, which is taken on record. It reveals that the petitioner has suffered incarceration of 2 months and 3 days as on today, and he is not involved in any other criminal case.

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9. He further, on instructions imparted to him by ASI Sandeep, informs this Court that the investigation in the instant case has already completed, and the final report has been filed on 28.06.2024 and the charges are yet to be framed. In the final report, the prosecution has cited total 12 witnesses.

10. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

11. Be that as it may, considering the fact that since the petitioner has suffered incarceration of 2 months and 3 days as on today, and he is not invovled in any other criminal case, and the name of the petitioner was figured out in the disclosure statement of the co-accused coupled with the fact that the trial is yet to commence as the charges are yet to be framed, and the prosecution has cited total 12 witnesses in the final report, therefore, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner, during the pendency of trial. Therefore, without commenting upon the merits and circumstances of the present case, the present petitions are **allowed**. The petitioners are ordered to be released on bail, on furnishing of their respective bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

12. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court.

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Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

July 12, 2024
dharamvir

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No

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