



CRM-M-33085-2024
Date of decision: 14.10.2024

MANI MASIH **....PETITIONER**

VERSUS

STATE OF PUNJABRESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Anosh Samson, Advocate for
Mr. Gagandeep Kumar Tiwari, Advocate
for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG, Punjab.

SANJIV BERRY, J.(ORAL)

By way of present petition filed under Section 439 Cr.P.C, the petitioner seeks regular bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
46	10.04.2024	25 (7) of Arms Act	E Division, District Amritsar.

2. Reply in the form of an affidavit of Assistant Commissioner of Police, Central, Amritsar, has been filed. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

3. Arguments heard.

4. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is innocent and has been falsely implicated in this case. He further contends that the petitioner was arrested on 10.04.2024 in this case and after completion of investigation, challan has already been presented in Court. He submits that the conclusion of trial in the present case triable by the Court of Magistrate will take sufficient long time and the petitioner

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is not having any other criminal case registered against him. Hence, prayed for grant of regular bail.

5. Per contra, learned State counsel, by referring to the reply submitted by the State, has opposed the bail by arguing that the petitioner was found keeping in his possession 1.32 bore pistol loaded with one live cartridge along with one country made pistol. Hence, the petitioner is not entitled for grant of concession of regular bail.

6. After considering the respective arguments and perusing the record, it transpires that as per the case of prosecution, the petitioner was apprehended by the police on the basis of secret information and recovery of 1.32 bore pistol loaded with one live cartridge and another country made pistol was effected which he was keeping without any license. The petitioner was accordingly arrested.

7. After completion of investigation, challan has already been presented in Court. The completion of trial, in the present case triable by the Court of Magistrate, will take sufficient long time and only thereafter criminal liability, if any, of the petitioner could be ascertained. Admittedly, as per the reply submitted by the State, the petitioner is not having any criminal antecedents. Therefore, no purpose will be served by detaining the petitioner in custody any more.

8. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned, if not



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required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

14.10.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |