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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.35715 of 2024
Date of Decision: 14.10.2024

Pankaj @ Kalua ... Petitioner
Versus
State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kunal Jindia, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
543	23.11.2022	Hodal, District Palwal	25 (1-A) and 29 (B) of Arms Act, 1959 (For short “Act, 1959”)

2. The adumbrated facts as emanating from the record are that on 23.11.2022, a police party was present near Court Complex Hodal in connection with crime detection and patrolling duty when a secret information was received that the petitioner was coming from Lalpur (UP) towards Punhana road in a vehicle while carrying illicit weapons in a plastic bag and those weapons were to be supplied in Punhana (Mewat). It was also informed that he could be apprehended along with illicit

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weapons. Believing the secret information to be true, the police officials immediately formed a nakabandi/blockade at Village Rohta Patti Turn-Punhana Road, Hodal. Sometime thereafter, a youth was found coming on foot from the side of Village Rohta Patti, Hodal. He was carrying a plastic bag on his left shoulder and on seeing the police vehicle, he turned back and started moving with fast paces. He was apprehended. On checking, one countrymade pistol of 12 bore, 11 countrymade pistols of .315 bore and one live round of 12 bore were recovered from the plastic bag carried by the petitioner. The same were taken into possession and after taking measurements of those firearms and preparing their khakhas, they were sealed. The petitioner was formally arrested. After completion of necessary investigation and usual formalities, challan was presented before the Court and presently, the petitioner along with co-accused is facing trial for commission of offences punishable under Sections 25 (1-A) and 29 (B) of Act, 1959.

3. It is argued by learned counsel for the petitioner that he is in custody since 23.11.2022. The co-accused Mahmood has been extended benefit of regular bail. Only 2 out of 19 witnesses have been examined so far. The trial is likely to take time. The subject offences are triable by Magistrate. His further detention will not serve any useful purpose. Therefore, it is urged that the petition deserves to be allowed.

4. Per contra, learned State counsel has argued in terms of the status report filed today that there are serious allegations against the petitioner. He was found in possession of a big consignment of illicit

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weapons which were to be supplied by him to the co-accused. There are chances of his committing similar offences if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

6. The petitioner is alleged to be found in illegal possession of 1 countrymade pistol of 12 bore and 11 countrymade pistols of 315 bore and 1 live cartridge of 12 bore. He is in custody for a period of 1 year, 10 months and 21 days as per the custody certificate filed today. He does not have any criminal antecedents. The trial is likely to take time as 17 witnesses of the prosecution are yet to be examined. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the period of incarceration of the petitioner, the nature of the subject offence, the fact that he does not have any criminal antecedents and as per the discussion made above, it is held that the petitioner deserves to be released on bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

14.10.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No