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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-40529-2024
Date of decision:-10.09.2024

Harpreet Singh
... Petitioner

Versus

State of Punjab
.. Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Manjinder Singh Saini, Advocate
for the petitioner.

Mr.Anil Bansal, DAG, Punjab.

SUVIR SEHGAL, J. (ORAL)

1. This second petition has been filed by the petitioner under Section 483 B.N.S.S., 2023, seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
111	29.07.2022	Shambhu, Patiala	472, 482, 34 IPC and Section 25 of Arms Act.

2. Case of the prosecution is that FIR, Annexure P1, has been registered on the basis of secret information that three persons are involved in the smuggling of firearms from outside the State and one of them was travelling on motorcycle. A check-post was set up and Harpreet Singh,

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present petitioner, who was travelling on a motorcycle was apprehended. Recovery of 13 country-made pistols of 32 bore with 10 empty magazines and 10 live cartridges of 32 bore was effected. It was also found that the registration number of the motorcycle was fake.

3. Counsel for the petitioner submits that the petitioner has been falsely implicated and the prosecution story is highly improbable. He submits that the petitioner is in custody since 29.07.2022 and although charges were framed on 01.11.2022, but trial has not progressed. He asserts that the prosecution had examined three out of eleven prosecution witnesses, but after the arrest of some co-accused, charges have been framed and the trial has to start afresh. He submits that the petitioner, who is 22 years of age and has a clean past, deserves to be released on bail.

4. *Per contra*, State counsel has opposed the petition. He has filed the status report by way of affidavit of Deputy Superintendent of Police, Circle Ghanaur, District Patiala, which is taken on record. As per his instructions, petitioner along with the co-accused, was involved in selling illegal weapons to gangsters. He submits that offence under Section 120-B IPC has been added. He has filed custody certificate dated 09.09.2024, which is taken on record. He could not dispute that the petitioner is not involved in any other criminal case. He submits that on the basis of disclosure statement of the petitioner, some more accused have been arrested and recoveries have been effected from them. He submits that the trial is fixed today for recording of statements of prosecution witnesses.

5. I have heard counsel for the parties and considered their respective



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submissions.

6. Petitioner is languishing in detention for the last twenty five months and the trial is to start *de novo* after the arrest of co-accused. Petitioner enjoys unblemished antecedents and the allegations levelled against him would remain a subject matter of debate before the trial Court, which shall be determined on the basis of evidence adduced before it. This Court is, therefore, of the view that the petitioner has made out a prima-facie case for grant of concession of regular bail.

7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

8. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

10.09.2024

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Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No