



CRM-M-40699-2024

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228 IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M-40699-2024  
Date of decision: 29<sup>th</sup> August, 2024

Raja

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. L.M. Gulati, Advocate for the petitioner.

Mr. A.S. Samra, AAG, Punjab.

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MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.  
seeking regular bail in the FIR mentioned below:-

| FIR No. | Date       | Police Station                 | Sections                                 |
|---------|------------|--------------------------------|------------------------------------------|
| 103     | 15.06.2024 | Gate Hakima, District Amritsar | 25(6), 25(7) and 25(8) of Arms Act, 1959 |

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 15.06.2024, a police party headed by ASI Balkar Singh was present at Dana Mandi, Bhagtanwala, Amritsar when a secret information was received to the effect that the petitioner could be apprehended with illicit weapon, if raided immediately. Believing the secret information to be correct, a raiding party was immediately formed which rushed towards the informed place, where the petitioner was spotted. The



petitioner tried to flee on seeing the police party but was apprehended. On conducting his personal search, one pistol .32 bore containing 5 live cartridges had been recovered from the left side pocket and thirteen rounds of .32 bore were recovered from the right side pocket of his trousers. The petitioner could not produce any licence for possessing the same. The weapon as well as live cartridges had been taken into possession. The petitioner was formally arrested. Investigation has since been completed and challan has been presented before the learned trial Court. Offence under Section 25(8) of Arms Act was deleted during the course of investigation. The petitioner had moved an application for grant of regular bail before the learned Additional Sessions Judge, Amritsar which had been dismissed vide order dated 29.07.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is in custody since 15.06.2024. Investigation has since been completed. No recovery remains to be effected from him. Trial is likely to take time. His further detention would not serve any useful purpose. Therefore, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel who has advance notice of the petition and is ready to argue the matter, has submitted that keeping in view the severity of the allegations, the petitioner does not deserve to be given concession of bail. It is also argued by him that one case under the provisions of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') has been registered against him but he is on bail in the



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said case. It is accordingly, 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 carefully.

6. The petitioner is alleged to be found in unauthorized possession of one .32 bore pistol with five live cartridges and 13 rounds of .32 bore. He is in custody for a period of about two and half months. Investigation stands completed. Trial will take time. 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 subject offence and the attending facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

**[MANISHA BATRA]**  
**JUDGE**

**29<sup>th</sup> August, 2024**

*Parveen Sharma*

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*  
: *Yes / No*