

2024:PHHC:126804



217.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46738-2024

Date of decision: 24.09.2024

Jaswant Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Barjesh K. Sharma, Advocate, and
Ms. Shiwani, Advocate, for the petitioner.

Ms. Avneet, AAG, Punjab.

GURBIR SINGH, J.

1. This petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.09, dated 30.03.2024, registered under Sections 25, 25(7) of Arms Act, 1959 and Section 120-B of IPC at Police Station Sadar SSOC, District Mohali.
2. The aforesaid FIR was registered on the basis of secret information against Gurmanjot Singh, Kuldeep Singh, Sukhchain Singh and Sandeep Singh with the allegations that they are members of criminal gang and used to get illegal weapons from Madhya Pradesh and planning to commit big incident in the area of Punjab. Total recovery of 9 pistols of .32 bore along with magazines and 8 live cartridges was effected from them.
 - 2.1 The allegation against the petitioner is that he along with Lovepreet Singh demanded two weapons from co-accused Kuldeep Singh and paid Rs.85,000/- for the said purpose.

3. Learned counsel for the petitioner has argued that it is on the basis of disclosure statement of Kuldeep Singh, suffered while in custody, petitioner has been nominated in the present case and is in custody since 01.04.2024. There is no other case against the petitioner. Nothing is to be recovered from him. Challan in the case has been presented and charges have been framed. No useful purpose would be served by further incarceration of the petitioner.

4. Learned State counsel has opposed the bail to the petitioner considering the allegations levelled against him. However, she has not disputed the custody of the petitioner and the fact that petitioner has been arrested in this case on the basis of disclosure statement of co-accused Kuldeep Singh from whose possession one .32 bore pistol along with 2 live cartridges were recovered.

5. I have heard the submissions of learned counsel for the petitioner, learned State counsel and have gone through the file.

6. Considering the fact that the petitioner is custody since 01.04.2024, culpability of the petitioner would be determined during trial and completion of trial will take some time, this Court deems it appropriate to release the petitioner on regular bail.

7. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of concerned learned trial Court/Chief Judicial Magistrate/Duty

Magistrate, with the further condition that he shall get his mobile number registered in the trial Court for receiving messages on CIS system and shall not change his mobile number during the pendency of the case. He shall also furnish his residential address to the trial Court as well as to the concerned police station and shall not change his residence without intimation to the concerned court. The court concerned may impose any other condition as it deems fit. In case of default, the trial Court is free to cancel the bail granted to the petitioner.

8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case on the basis of material available before it.

(GURBIR SINGH)
JUDGE

September 24, 2024
sanjeev

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No