

Neutral Citation No.2024:PHHC:011781
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56584 of 2023 (O&M)
Reserved on: 25.01.2024
Pronounced on: 29.01.2024

Jatin @ Jatna

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Amitabh Tewari, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J. (Oral)

By way of this petition filed under Section 439 Cr.P.C., petitioner prays for his release in case FIR No.342 dated 27.08.2023 registered under Sections 25(1-B)(a) and 29(b) of Arms Act at Police Station, Khedki Daula, District Gurugram.

2. Status report by way of affidavit dated 08.01.2024 of Shri Surender Sheoran, HPS, Assistant Commissioner of Police, Manesar, Gurugram. Besides, reply in compliance of the order dated 10.01.2024 by way of affidavit dated 23.01.2024 of Shri Harinder Kumar, HPS, Assistant Commissioner of Police, Manesar, Gurugram has been filed on behalf of the respondent- State.

3. As per prosecution allegations, on 27.08.2023, on the basis of secret information, raid was conducted at the disclosed place and one country-made pistol along with two live cartridges were found from possession of the petitioner. FIR was registered. Disclosure statement of the petitioner was recorded. Co-accused Surender @ Kukkan, the supplier of the arms was arrested on 29.08.2023 and Section 29(b) of the Arms Act was added. Another co-accused Satpal, who

had handed over the arms to co-accused Surender alias Kukkan, has not been arrested till date due to non-availability of his complete address.

4. After completion of investigation, final report against petitioner and co-accused Surender @ Kukkan has already been submitted and case is now fixed before the learned Judicial Magistrate Ist Class, Gurugram for appearance.

5. It is contended by learned counsel that the petitioner has been falsely implicated. In fact, petitioner was arrested from his home on 27.08.2023 between 07:30 to 08:30 PM and not from Kankrola- Bhangrola Chowk as is alleged by the Police. It is also alleged that police officials harassed the family of the petitioner at the time of apprehending the petitioner and that his mother had lodged a complaint on 13.09.2023 against CIA Lalit. It is also contended that a false story has been concocted by the Police, which even removed DVR from their house.

6. In reply to the afore-said contention, learned State Counsel, on the basis of affidavit of Shri Harinder Kumar, Assistant Commissioner of Police, Manesar, submits that allegations made in the complaint dated 13.09.2023 of the mother of the petitioner were found to be false and baseless on conducting necessary enquiry by ACP, Gurugram. It was found that in fact, P/SI Lalit along with his team had reached the rented house of one Manjeet (wanted in another case) and that house was found to be belonging to petitioner – Jatin @ Jatna, who was found to be confined in District Jail, Bhondsi in connection with illegal weapons. Learned State Counsel has also drawn attention towards the fact that the petitioner is involved in six more cases and prayed for rejecting the petition.

7. Heard.

8. As per the custody certificate, petitioner is in custody for the last 04 months and 27 days. Though he is involved in 06 more cases as per para-No.12 of

the status report but petitioner is on bail in all those cases as has been disclosed by the petitioner in para-No.8 of his petition. The offence in question is triable by the Magistrate. No purpose would be served by keeping the petitioner detained.

9. Having regard to the afore-said facts and circumstances, but without commenting anything on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

January 29, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No