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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-56390 of 2023(O&M)

Date of decision:- 05.02.2024

GURJANT SINGH @ JANTA

....Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr.Atul Goyal, Advocate,
 for the petitioner.

 Mr. Sarabjit Singh Cheema, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
14	03.02.2023	25 of Arms Act (420, 465, 467, 468, 471, 120-B IPC added later on)	Payal, Police District Khanna

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the present case. He contends that petitioner was not named in the FIR and was nominated on the disclosure statement of co-accused Yadwinder Singh @

Yadu who was apprehended with Arms and live cartridges along with one Arms License which was found to be fake. As per disclosure statement co-accused Yadwinder Singh @ Yadu paid money to the petitioner for procuring his arms license. He submits that petitioner was arrested on 12.04.2023 on production warrant but nothing recovered from his interrogation. Challan was presented on 25.04.2023 in the present case triable by the Court of Magistrate, as he prays for grant of concession of bail to the petitioner.

3. Learned State counsel has assailed these arguments by submitting that the petitioner has committed heinous crime and as such not entitled for grant of concession of bail. He further submits that there are other cases pending against the petitioner, however, admitted that no recovery has been effected from the petitioner and the challan has been presented in Court.

4. During course of arguments learned counsel for the petitioner clarified that the petitioner is on bail in other cases registered against him.

5. After considering the rival contentions and perusing the record, it transpires that petitioner was not named in the FIR, but nominated on the disclosure statement made by co-accused Yadwinder Singh @ Yadu, who was apprehended by the police and from his possession Arms were recovered has been granted concession bail vide order dated 17.05.2023 (Annexure P-3) by this Court. The petitioner is in custody since 12.04.2023, challan has been framed, no recovery has been effected from the petitioner and he is on bail in other cases registered against him. The conclusion of

trial in the present case triable by the Court of Magistrate, may take sufficient long time to ascertain criminal liability, if any of the petitioner and no useful purpose would be served by keeping the petitioner behind bars any longer.

6. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

8. Pending application(s) if any, shall also stands disposed of.

(SANJIV BERRY)
JUDGE

05.02.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |