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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-58505-2023
Date of decision:-07.03.2024

MANPREET SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. B.S. Beniwal, Advocate for the petitioner.
Mr. Japjot Singh, Addl. AG, Punjab.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed Custody certificate dated 06.03.2024, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. 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
44	26.02.2023	25 of Arms Act (384, 385, 386 IPC added later on)	Sadar Khanna, District Khanna

3. It is *inter alia* contended by learned counsel for the petitioner

that the petitioner is innocent and has been falsely implicated in this case. He submits that petitioner has no concern with the alleged recovery of three pistol of .32 bore along with magazines. He submits that the petitioner is in custody since 27.02.2023, challan has already been presented in Court, and charges have been framed and the prosecution has cited 17 witnesses and none of them have been examined till date, as such he prays for grant of concession of bail to the petitioner.

4. *Per contra*, learned State counsel has not disputed the factual matrix of the case, however, he submits that considering the nature and gravity of offence petitioner does not deserve concession of bail. He however, admitted that challan has already been presented in Court, wherein out of 17 witnesses cited by the prosecution none of them have been examined so far. He also admitted that no recovery has been effected from the petitioner in this case.

5. After considering the rival contentions and going through the record, it transpires that petitioner was arrested on 27.02.2023 and from his possession three pistol of .32 bore alongwith magazine was recovered. Challan has already been presented in Court, charges have been framed wherein prosecution has cited 17 witnesses and none of them have been examined till date. In this manner, conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner and no purpose would be served by keeping petitioner behind bars any longer.

6. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served by 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.

(SANJIV BERRY)
JUDGE

07.03.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No