

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

220

2024:PHHC:018441

CRM-M-58524-2023

Date of decision: February 9th, 2024

Ashish @ Chetia

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kuldeep Sharma, Advocate
for the petitioner.

Ms. Trishanjali Sharma, Deputy Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.321 dated 01.10.2023 under Section 25 of the Arms Act and Section 120-B of the IPC registered at Police Station City Mahendergarh.

2. Learned counsel for the petitioner, *inter alia*, contends after the petitioner was arrested on 01.10.2023 on the basis of an alleged secret information, the police had completed investigation, presented challan and charges also stand framed. However, none of the 11 prosecution witnesses had been examined till date. Hence, there was no likelihood of the trial concluding in the near future. It has also been submitted that identically placed co-accused Kuldeep alias Tiger has since been extended the concession of bail by this Court vide order dated 14.12.2023.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Dalel Singh, has informed the Court that a secret information was

received against the petitioner and the co-accused that they were smuggling some weapons from Madhya pradesh; pursuant to the secret information, the petitioner was apprehended and two countrymade pistols were recovered from him.

4. On a pointed query put to the learned State counsel as to whether the petitioner is involved in any other criminal case, she on instructions, has replied in the negative.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has been in custody since 01.10.2023. The investigation in the case in hand is complete, however, the prosecution evidence has not yet commenced. Thus, the trial would take considerable time to conclude.

7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

February 9th, 2024

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No