

2024:PHHC:165021



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

232

CRM-M No.56054 of 2024 (O&M)  
Date of Decision: 09.12.2024

Hemant Malhotra ... Petitioner

Versus

State of Punjab ... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Chandan Singh Rana, Advocate,  
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab,  
for the respondent-State.

\*\*\*

**MANISHA BATRA, J. (Oral)**

1. This is the second petition filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in case arising out of FIR No.78 dated 05.09.2023 registered under Section 25 (7) (i) of Arms Act, 1959 at Police Station Chhajali, District Sangrur. His first petition had been dismissed by this Court vide order dated 05.07.2024.

2. As per the allegations, on 05.09.2023, on the basis of a secret information, the co-accused Baljinder Singh @ Rock @ Rohit and Karan Sharma had been apprehended with 21 pistols and with magazines of different colours and different sizes. They were formally arrested. On

2024:PHHC:165021



interrogation, they disclosed that they had gone to Madhya Pradesh at the instructions of the present petitioner who was running an organized crime syndicate along with them and had been procuring illegal weapons and supplying the same to the gangsters of Punjab. On the basis of their disclosure statements, the present petitioner was also arrested on 05.09.2023 and in custody since then. The first application for grant of regular bail as filed by him before this Court had been dismissed vide order dated 05.07.2024.

3. It is argued by learned counsel for the petitioner that he is in custody since long. The investigation has since been completed. Challan stands filed and the trial is likely to take time. The petitioner does not have any criminal antecedents. The recovery was not effected from him. No useful purpose would be served by keeping him in custody any more. Therefore, it is urged that he deserves to be released on bail.

4. Status report has been filed by the respondent-State. It is argued by learned Assistant Advocate General, Punjab that no ground has been made out for allowing the present petition and, therefore, it is urged by him that the same is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record.

6. The petitioner is alleged to be engaged in procuring illegal weapons and supplying thereof to gangsters of Punjab. No recovery has been effected from him. Since the date of dismissal of his previous petition,



investigation has been completed. Challan stands presented. The petitioner does not have any criminal antecedents. The subject offences are triable by Magistrate. The petitioner is in custody for over a period of one year and three months. Trial is likely to take time. Keeping in view the period of his incarceration and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petitioner deserves to be released on bail now. Hence, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

7. Miscellaneous application(s), if any, also stand disposed of.

09.12.2024  
manju

(MANISHA BATRA)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |