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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-37436-2024 (O&M)
Date of Decision:- 29.01.2025

MANGA SINGH ALIAS CHEEKOO

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Devansh Khanna, Advocate for
Mr. Vaibhav Narang, Advocate for the petitioner.

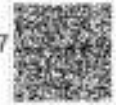
Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
231	03.12.2023	25 of the Arms Act; [27(7) of the Arms Act added later on vide rapat No.23 dated 24.01.2024]	Gate Hakima, District Police Commissionerate District Amritsar

2. 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 contends that no recovery was affected from the petitioner, who was already in judicial custody at the relevant time in another case, however, the police has allegedly recovered one country-made pistol from the residential house of the petitioner without joining any independent witness. He submits that



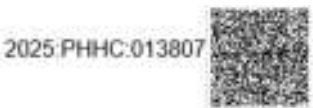
the petitioner is in custody since 24.01.2024, and after the completion of investigation, challan has been presented in the Court, wherein no witness has been examined till date, as such, prayed for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the short reply filed by the State has assailed these arguments and submits that the petitioner is a habitual offender and prayed for dismissal of the petition on the ground of gravity of the offence.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that recovery of one pistol and two live cartridges had been effected in case FIR No. 23 dated 03.02.2024 registered under Section 25 (7) of the Arms Act at Police Station, Gate Hakima Amritsar and on the basis thereof, the petitioner was arrested in the present case. Admittedly, the petitioner was in judicial custody at the relevant time in some other case, when the alleged recovery is stated to have been effected from his house. After the completion of investigation, challan has been presented in the Court and the conclusion of trial, in the present case, triable by the Court of Magistrate, will take sufficient long time as till date, none of the witnesses has been examined. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

6. Consequently, without commenting on the merits of the case,



the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate 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 miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

29.01.2025

S.Sharma(syr)

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