

2025.PHHC.007583



217.

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

CRM-M-62313-2023

Date of decision: 20.01.2025

Varinderpal Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jaspreet Singh Sran, Advocate, for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is second petition that has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.124, dated 15.12.2022, under Sections 25/54/59 of Arms Act, registered at Police Station City Morinda, District Rupnagar.

Learned counsel for the petitioner has vehemently prayed for extending the concession of bail to the petitioner in the present case as he has been in custody for more than 02 years having been arrested on 26.12.2022. It has been further submitted that even though challan was presented on 14.03.2023, however, it was only on 24.12.2024, the charges were framed and, hence, it was evident that the trial had been proceeding at an ordinary slow pace. It has been submitted that although the case before the trial Court was fixed for 17.01.2025 for recording of the prosecution

evidence, however, prosecution evidence had not yet commenced. Hence, keeping in view that as many as 13 witnesses had been cited by the prosecution, there was no likelihood of the trial concluding in the near future.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner nor has he, on instructions, disputed the stage of trial. However, it has been submitted that secret information was received qua the involvement of the petitioner in the supply of illegal weapons etc. and it was pursuant to the secret information, the petitioner was taken on production warrants and his arrest, in the present case, effected on 26.12.2022. It has been further submitted that after the petitioner was arrested, during investigation, he suffered a disclosure statement which then led to the recovery of 07 pistols along with ammunitions. It has also been brought to the notice of this Court that the petitioner is involved in 02 other criminal cases. Learned State counsel has, therefore, prayed for dismissal of the instant petition keeping in view the previous criminal antecedents of the petitioner.

On a pointed query put to learned State counsel as to whether the petitioner is in custody in other 02 cases which stand registered against him, he, on instructions, has submitted that while in 01 case, he is on bail, however, in the other case registered under Section 302 of the IPC, the petitioner is still in custody.

I have heard learned counsel for the parties and perused the material placed on record including the FIR in question.

No doubt the petitioner is facing trial in 02 other cases excluding the present one, however, this Court cannot lose sight of the fact that the petitioner has been in custody for more than 02 years having been arrested on 26.12.2022; the maximum sentence prescribed under the Arms Act is 01 year. The trial is unlikely to conclude in the near future.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds 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.

However, in case the petitioner is again found involved in any other criminal case during the time when he would be on bail, the State would be at liberty to approach this Court for cancellation of his bail.

(MANJARI NEHRU KAUL)
JUDGE

January 20, 2025
sanjeev

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No