

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16675-2019

Date of decision: 21.05.2019

Kamal

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.S. Khurana, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.0060 dated 01.02.2019 under Section 379A IPC (Section 379B IPC was added and Section 379A was deleted later on) and Section 25 of Arms Act, registered at Police Station Model Town Rewari, District Rewari.

Learned counsel for the petitioner submits that the petitioner is first offender; he is not involved in any other case and is in custody for the last 03 months and 18 days. Learned counsel has relied upon the order dated 12.04.2019 passed in CRM-M-16174-2019, vide which co-accused Priyavrat @ Chotu was granted the concession of regular bail, by making the following observations: -

“Learned counsel for the petitioner submits that the petitioner is in custody since 03.02.2019, investigation is complete and the

challan stands presented before the trial Court. It is further submitted that in the FIR, description of the petitioner and his co-accused is given with parentage and as per the allegations, the petitioner has put a country-made pistol on the forehead of the complainant, co-accused Kamal caught hold his hands and accused Sunil snatched Rs.1200/- from the pocket of the complainant and also gave him beatings. Thereafter, Sunil and Chhotu hold his feet and made a video recording so that they may post it on whatsapp. Learned counsel has thus submitted that it is not a case of snatching, which has been falsely registered and rather it is a case on account of some old enmity and the petitioner has been falsely implicated in the FIR. It is also submitted that even antecedents of the complainant are not clear, as he is involved in four FIRs, out of which one FIR is under Section 279 IPC.

Learned State counsel, on instructions from ASI Kanshi Ram, submits that recovery of country-made pistol, a Thar Jeep and one mobile phone has already been effected.

Without commenting anything further on merits of the case, considering the aforesaid submissions made by learned counsel for the petitioner, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.”

Learned State counsel, on the basis of custody certificate dated 20.05.2019 filed in the Court today, has not disputed the fact that the petitioner is not involved in any other case.

Without commenting anything on merits of the case, considering the fact that the petitioner is first offender; he is not involved in any other case and his aforesaid co-accused has already been granted the concession of regular bail, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

21.05.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No