

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

**CRM-M-23075-2019
Date of decision: 01.07.2019**

Anshul Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 01 dated 01.01.2019, registered under Sections 399, 401 of the IPC and Section 25 of the Arms Act, 1959 at Police Station Tosham, District Bhiwani. The first application was dismissed as withdrawn on 15.05.2019.

Learned counsel for the petitioner submits that all the co-accused of the petitioner have already been granted concession of regular bail and relies upon order dated 15.03.2019, passed in CRM-M-11244-2019, wherein, while granting regular bail to co-accused Jangesh @ Kala, the following order was passed:

“Learned counsel for the petitioner submits that as per allegations in the FIR, on 01.01.2019, the police, on receiving a secret information that 4-5 persons have parked their pickup vehicle on the left side of the road and they are full of suspicion and may commit any crime like robbery. The police intercepted them and on search, recovered 05 live cartridges along with a pistol of 3.15

bore from co-accused Anshul, baseball from Rahul @ Chotu, hockey stick from Suresh son of Jogram, one torch from Bagdavat son of Seth Ram and from the petitioner, nothing was recovered. Learned counsel for the petitioner further submits that the petitioner is in custody since 01.01.2019 and except the allegation, based on secret information that the accused persons may commit any crime, no further evidence has come against them. It is further submitted that the petitioner was in fact working as driver on the vehicle, which is owned by one Vinod Rawat, who is in the business of sale and purchase of buffaloes. Learned counsel further submits that the investigation is complete, challan has been presented and conclusion of the trial will take some time. Learned State counsel, on the basis of custody certificate 14.03.2019 filed in the Court today, has however opposed the prayer on the ground that the petitioner is involved in one more case/FIR, however, it is not disputed that the investigation in this case is complete. Without commenting anything further on merits of the case, considering the fact that nothing was recovered from the petitioner and he was found to be driver of the vehicle, which is owned by one Vinod Kumar, as per the registration certificate of the vehicle, 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.”

Learned counsel for the petitioner further submits that in fact the petitioner, prior to the arrest in the present FIR, was not involved in any other case, however, subsequent to his arrest in the present case, he was involved in number of FIRs, which were unsolved by the police, and the petitioner has been granted bail almost in all the cases. In support of his

arguments, learned counsel for the petitioner relies upon the orders, wherein the petitioner has been granted bail, Annexures P-2 to P-5.

Learned State counsel, on instructions from ASI Satish Kumar, could not dispute the factual position and submitted that the challan stands presented and the charges have been framed.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the co-accused of the petitioner have already been granted concession of regular bail; petitioner is on bail in other FIRs/cases; petitioner is in judicial custody since 05.01.2019 and the conclusion of the trial is likely to take a long time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

01.07.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No