

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

**CRM-M No. 45773 of 2019
Date of Decision:-09.12.2019**

Nishant @ Vicky

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Ashok K. Sharma Bhana, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioner Nishant @ Vicky has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.473 dated 10.8.2018, under Sections 399 and 402 IPC and Section 25 of the Arms Act, registered at Police Station Safidon, District Jind. The petitioner is in custody since 10.8.2018.

As per FIR, on 10.8.2018, a secret information was received to the effect that five young boys, in a Honda City Car, black colour, were standing inside the Shilla Kheri Stadium, armed with weapons and planning to commit a crime. It was informed that upon conducting a raid, said persons can be caught on the spot. On the basis of said information, police

officials prepared a raiding party and after reaching the spot, apprehended all the five accused persons. On search, a .32 bore pistol and five live cartridges were recovered from accused Bittu; one countrymade pistol .32 bore and five live cartridges were recovered from accused Krishan and one pistol 315 bore with one cartridge was recovered from accused Sachin. One countrymade pistol of .32 bore and five live cartridges were recovered from accused Nishant @ Vicky (petitioner herein), one battery of white colour, having written 'Bajaj' on it, was also recovered. All the recovered articles were taken into police possession alongwith the Honda City Car bearing registration No.DL4CR-6205. In this background, the present FIR was registered against the accused persons.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case, According to him, recovery of one countrymade pistol alongwith five live cartridges and a torch (white colour) was effected from the petitioner. He submits that as per the police version, the petitioner alongwith co-accused was preparing to commit robbery/dacoity. He further contends that the investigation in the case has been completed and challan stands filed in the Court, and trial is yet to start and it will take sufficient time to conclude as till date no witness has been examined. He has prayed that keeping in view the custodial period of the petitioner, his further custody may not be justified. Also reliance has been placed upon the order dated 21.5.2019 passed by this Court in CRM-M-22471-2019, whereby co-accused Sumit @ Manni has been extended the concession of regular bail.

On the other hand, learned State counsel, who is assisted by ASI Chhatterpal Singh, has opposed the bail application on the ground that the petitioner is also involved in one more case i.e. FIR No.331 dated 03.8.2018, under Sections 395, 397, 506, 120-B IPC and Section 25 of the Arms Act, registered at Police Station Model Town, Rewari, District Rewari. However, learned State counsel does not dispute the fact that after framing of charges, no witness has been examined by prosecution.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, his further custody may not be justified. It is not disputed that all the witnesses are police officials and there is no possibility of their being won over. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Jind.

The petition is allowed.

December 09, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No