

MANJEET

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Yashveer Kharb, Advocate
for the petitioner.

Mr. Deepak Sabharwal, Addl.AG, Haryana.

VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in FIR No. 190, dated 28.09.2019, under Sections 398, 401 of IPC, 1860 and Section 25 of Act No.54 of Arms Act, 1959 registered at Police Station Sector 13-17, District Panipat.

The FIR has been registered on the allegations that police party headed by SI Shri Krishan who was present in a Govt. vehicle in front of the gate of Ansal City and a secret information was received to the effect that two young boys having weapons were standing on the road of Village Ajijulapur and trying to rob the passerbys and if a raid is conducted they can be apprehended. Relying upon the information the light of the Govt. vehicle was removed and the police party proceeded towards Village Ajijulapur where the petitioner along with his co-accused were spotted. One of the accused came in front of the vehicle and stopped it. The other boy pointed the pistol towards the driver and asked him to hand over whatsoever he was having. SI Shri Krishan switched on the inside light of the vehicle and on seeing the police officials one of the accused shouted "Bhaag Sumit Police Hai". The boys tried to run away when they were over-powered.

Heard.

It is a case in which attempt to rob the police party had been made under the apprehension that there were some civilians. Although the petitioner and the co-accused are stated to be armed with firearms but the same have not been fired. It is a case of attempt to commit crime only.

It has been stated by the learned counsel for the petitioner that similarly placed co-accused namely, Sumit Kumar has been granted bail by this Court vide order dated 13.01.2020 in CRM-M-106-2020. The case of the petitioner is based upon official witnesses. Investigation of the case is stated to be complete and challan has been presented on 26.11.2019. The arrest of the petitioner was effected as back as on 28.09.2019 and since then he is in custody.

The learned State counsel has pointed out that another case bearing FIR No. 523 dated 18.08.2019 under Sections, 285, 379 B IPC and 25 Arms Act has been registered at Police Station Samalkha, District Panipat.

Faced with this situation, it has been pointed out by the learned counsel for the petitioner that he has been granted bail by the Court of learned Additional Sessions Judge, Panipat vide order dated 24.02.2020 in the said case though he has not furnished the bail bonds.

Considering the above and the fact that the trial is likely to consume some time, further detention of the petitioner may not be justified. Therefore, without making 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 concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

23.06.2020
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No