

CRM-M No.11275 of 2021
Date of decision: 07.04.2021

Shahid @ Polo

.... Petitioner

Versus

State of Haryana

.... Respondent

Coram: Hon'ble Mr. Justice B.S. Walia

Present : Mr. Saleem Ahmed, Advocate for the petitioner.

Mr. Pankaj Middha, Addl. AG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.0450 dated 03.12.2017, registered under Sections 5/13(2), 17 HGS & GS Act, 2015, Sections 11-59-60 of Prevention of Cruelty to Animals Act, 1960 and Sections 186, 279, 307, 332, 336, 427 IPC to which Section 201 IPC added later on and Sections 25-54-59 of the Arms Act at Police Station Tauru, District Nuh.
3. Learned counsel contends that the petition for regular bail was claimed by the petitioner on the basis of parity with co-accused, who were granted regular bail by the learned Additional Sessions Judge, Mewat vide order dated 03.06.2019 and 14.11.2019 but the prayer of the petitioner was rejected vide order dated 17.12.2020 on the ground that he was a habitual offender and there is another case of possession of illegal

arms registered against him, besides he had made disclosure statement of having committed theft at a number of ATMs, as also theft of tyres from vehicles, besides the petitioner had fired around 15 gun-shots on the police party and empty cartridges were also recovered.

4. Learned State Counsel contends that in view of the antecedents of the petitioner, he is not entitled to be released on bail.

5. I have considered the submissions of learned counsel for the parties.

6. Although, it has been mentioned that the petitioner had made a disclosure statement of having committed theft on 16 ATMs, as also stolen tyres of 12 vehicles but the said disclosure statement is admitted by the State Counsel to have been made by the petitioner while in police custody and that apart from the disclosure statement there is no other material to connect the petitioner with the commission of the alleged offences. On query, learned State Counsel has informed that no FIR has been registered till date *qua* the alleged disclosure statements. However, there are 02 other cases registered against the petitioner i.e. FIR No.171 dated 20.05.2021 registered under Sections 186/224/307/332/353 IPC and Sections 24-54-59 Arms Act and Section 3(2) PDPP Act at Police Station Tauru, District Nuh and FIR No. 163 dated 14.06.2020 registered under Sections 24-54-59 Arms Act at Police Station Tauru, District Nuh.

7. Investigation is stated to be complete and challan has been presented, though charges have yet to be framed. The petitioner is in custody since 16.06.2020, besides it is claimed that he is the sole earning

member in his family and has 03 minor children and no other male member in the family to look after them. Trial would take considerable period of time, besides co-accused Amjad and Inayat @ Inna have been released on regular bail by the learned Sessions Judge, Mewat.

8. Accordingly, taking into account aforementioned aspects of the matter, the petition for regular bail is ***allowed*** and the petitioner is ordered to be released on regular bail during the pendency of the trial subject to his furnishing bail bonds / surety to the satisfaction of the learned trial Court / Ilqa Magistrate / CJM / Duty Magistrate, concerned provided he is not required in any other case and further subject to his complying with the conditions contained in Section 437 (3) CrPC. However, it is made clear that in case the petitioner is involved in any criminal case, while he is on bail in the instant case, prosecution would be at liberty to move an application for cancellation of the bail granted to the petitioner in the instant case. However, nothing stated hereinabove shall be construed to be an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

April 07, 2021
'Rajneesh/Amit'

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