

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

CRM-M-22418-2021

Date of Decision: 3rd November, 2021

Ashwani @ Makhan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Amit Choudhary, Advocate for the petitioner.

Ms. Dimple Jain, Assistant Advocate General, Haryana
for the respondent-State.

AVNEESH JHINGAN , J.(Oral)

1. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No.6, dated 04.01.2021, under Sections 399 and 402 of IPC, 1860 (Section 25 of Arms Act, 1959 added subsequently), registered at Police Station Bhuna, District Fatehabad.

2. The brief facts are that police received a secret information that five to six armed young boys were planning to commit a robbery. Acting upon the information police party nabbed Sunil, Mukesh, Ashwani @ Makhan(petitioner), Parveen, Munish and Mahender, recovery of knife, iron rod, wooden stick, iron stick, wooden stick and one charger battery was made from them respectively.

3. Learned counsel for the petitioner submits that it is a case of false implication. As per the case set up the recovery from petitioner was of wooden *danda*. He was implicated only due to his past record.

4. Learned State counsel opposes the prayer for grant of regular bail. She submits that there was a secret information that accused were

planing to commit a robbery. Petitioner has a criminal antecedents. He was involved in twleve more cases and convicted in four cases.

5. Learned counsel for the petitioner submits that petiitoner was acquitted in three cases and is on bail in rest of the pending cases.

6. Petitioner is in custody since 4th January, 2021. The investigation is complete; charges have been framed. No recovery is to be made from him. Mere involvement in other cases would not itself be sufficient to deprive his personal liberty. Only recovery made from the petitioner is of wooden *Danda*. Conclusion of the trial is likely to take time. Petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

3rd November, 2021

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No