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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.22439 of 2021 (O&M)
Decided on: 05.10.2021

Shekhar @ Maya

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. J.P. Jangu, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.611 dated 20.07.2018, for offence punishable under Sections 392, 397 of the Indian Penal Code (in short 'IPC') and 25 of the Arms Act registered at Police Station Civil Lines, District Karnal.

Counsel for the petitioner has argued that as per the allegations in the FIR, the petitioner along with his co-accused has committed the offence of robbery by entering the office of the complainant and by putting the employee of the complainant at gun point has taken away cash of Rs.24.68 lacs along with some other articles. It is further submitted that the petitioner was arrested after the disclosure statement of the co-accused Kamal @ Kala. It is also submitted that the petitioner was already in custody in other case when

he was taken on production warrant in this case and was arrested in pursuance of the disclosure statement of the petitioner, which was recorded later on, only an amount of Rs.5300/- was recovered from him.

Counsel for the petitioner has lastly submitted that the alleged pistol used in the offence, has already been recovered in another FIR by Delhi Police.

Counsel for the State has filed the Custody Certificate today in the Court and as per the Custody Certificate, the petitioner is in custody for the last 02 years and 01 month and he is involved in some other cases in different Police Stations of Delhi wherein he has shown to be undertrial before the Juvenile Justice Board.

The Custody Certificate further show that the petitioner is on bail and in one or two cases, he has been discharged. Lastly, counsel for the State has submitted that till date, no PW has been examined so far in this case and therefore, he has opposed the prayer for bail on the ground that the statement of the complainant is yet to be recorded.

After hearing the counsel for the parties, without commenting anything on merits of the case, considering the fact that the petitioner at the time of the occurrence was around 18 years of age and his name surfaced after the disclosure statement of the co-accused Kamal @ Kala, recorded by the Police when the petitioner was already in custody in some other case, though the petitioner's antecedents are not clear, however, considering his long custody and conclusion of the trial is likely to take some time as no PW has been examined so far, this petition is allowed and the petitioner is directed to be released on bail

subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

05.10.2021
yakub

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