

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-23903-2020 (O&M)
Date of Decision:-22.2.2021

Amarjit Singh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Satnam Singh Thakur, Advocate with
Mr. Abhimanyu Singh, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
assisted by SI Jagmender.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.13 dated 18.1.2016 at Police Station Ellenabad, District Sirsa under Sections 186, 307, 332, 34, 353 and 427 of Indian Penal Code and Section 25-54-59 of Arms Act, wherein offences under Sections 411, 420, 468, 471, 212, 148, 149 IPC were added and Section 54/59 of Arms Act were deleted later on.
2. The FIR was lodged pursuant to receipt of a secret information by the police to the effect that Jaswant Singh, who was contesting the election of Sarpanch in Village Khari Surera had brought persons from Bhiwani and Rajasthan for creating a scare and fear in the village and that the said

persons were also carrying illegal weapons in huge quantity and were having a white coloured Fortuner Car bearing registration No.HP-09B-0630. The information was further to the effect that the said persons included Sargana, Sonu Mitti, Amarjit Bamla, Sunil @ Golu, Kuldeep and that the said persons were sitting on the roof of Kuldeep's house. Pursuant to receipt of said information a raid was conducted at the nominated place where 6-7 boys started firing at the police. However, the police also fired two shots in the air for scaring the accused but the said boys did not stop from firing at the police. The police was, however, able to nab 6 accused and another was found injured. The search of the said persons led to recovery of weapons from each of them. It is the case of prosecution that even the petitioner was amongst those, who were apprehended at the spot and from whose possession a .32 bore country made pistol was recovered.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that, in any case, since he has been behind bars for a substantial period of 5 years, he deserves the concession of bail.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is a habitual offender having been involved in 8 other cases pertaining to heinous offences under Sections 302, 307 and 395 of Indian Penal Code, no case for grant of bail is made out. Learned State counsel has, however, not disputed the fact that the petitioner happens to be acquitted in 5 cases out of the aforesaid 8 cases and stands convicted in 2 cases while one case is stated to be pending. It is also not in dispute that the petitioner has been behind bars since the last more than 5 years. Learned State counsel has

further informed that as on date 13 out of the cited 56 PWs have been examined.

5. I have considered rival submissions addressed before this Court.
6. Although, the petitioner is stated to be involved in 8 other cases but it is not in dispute that he stands acquitted in 5 cases. The petitioner, in any case, has been behind bars for a long period of 5 years and conclusion of trial is likely to take some time as a large number of PWs have been cited. In these circumstances, further detention of the petitioner would not be justified. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

22.2.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No