

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

CRM-M-34066-2021 (O&M)

Date of Decision:- 27.10.2021

Anish

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Surender Saini, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Shish Pal.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.591, dated 29.9.2020, Police Station Samalkha, Panipat, under Sections 398, 401 IPC and Section 25 of Arms Act.
2. The FIR was lodged at the instance of ASI Ashok, wherein it is alleged that on the day of occurrence i.e. on 29.9.2020, when he along with other police officials was present at Karhans Khalila Road Railway crossing, then a secret informer furnished information to the effect that three young boys who were carrying weapons were looting

passer-byes at Manana Road T Point and that in case a raid is conducted they could be apprehended. Pursuant to receipt of said information the police swung into action and went to the spot. Some of the police officials went in civil clothes. The beacons of the vehicles were removed to avoid detection. At the nominated place, the police came across three young boys who were standing on the road along with a motorcycle and were carrying weapons. One of the boys was carrying a 'stick' while another was carrying a 'pistol'. The pillion rider who was carrying a 'pistol' aimed pistol at the driver of the police vehicle and told him to hand over everything failing which he would be shot. The driver of the police vehicle switched on the cabin lights of the vehicle and the boy who was carrying pistol, upon noticing the complainant in police uniform told his companions Nikhil and Ankush to run away. All the three boys started running from the spot, but were apprehended by the police. The boy carrying a 'pistol' disclosed his name as Anish (petitioner). The boy carrying a 'stick' disclosed his name as Nikhil and the 3rd boy who was driving the motorcycle disclosed his name as Ankush.

3. Learned counsel for the petitioner submits that he has falsely been implicated in the instant case and in any case since he has been behind bars since the last more than one year and two other co-accused have already been granted bail by the trial Court itself, he also deserves the same concession on the grounds of parity.
4. Opposing the petition, learned State counsel has submitted that the petitioner cannot derive any advantage from the factum of grant of

bail to the co-accused inasmuch as the co-accused were on different footing and while one of the co-accused was merely carrying a 'stick', the other was found to be driving a stolen motorcycle whereas it is the petitioner who was carrying a lethal weapon in the shape of .315 bore pistol along with one cartridge. Learned State counsel has further informed that the petitioner is a habitual offender having been involved in three other cases i.e. two under Section 379-A IPC and one under Section 379-B IPC.

5. I have considered rival submissions addressed before this Court.
6. It certainly is evident that role of the petitioner cannot be equated with those of the co-accused inasmuch as it is the petitioner who was carrying a weapon in the shape of a 'pistol' and had aimed the same at the driver of the police vehicle and had demanded valuables while brandishing said 'pistol'. Still further, the antecedents of the petitioner who happens to be involved in three other cases would not justify grant of bail. In these circumstances, the instant petition is found to be sans merit and is hereby dismissed.

27.10.2021
Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No