

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-37630-2021
Date of decision: 17.09.2021

Pawan @ Pona

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Lekh Raj Nandal, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 365 dated 19.09.2020, registered under Sections 395, 397, 427, 506 of the IPC and Section 25 of the Arms Act, 1959 at Police Station Rohtak Sadar, District Rohtak.

Learned counsel for the petitioner relies upon order dated 23.08.2021 passed in CRM-M-12891-2021, vide which co-accused Anil @ Sonu has already been granted concession of regular bail by this Court. The operative part of the order reads as under:

“Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of one Sandeep Kumar son of Hoshiar Singh, who was working as a salesman on the wine shop, on the date of incident, he alongwith one Sandeep son of Balwan was present on the wine shop and two cars stopped before the

shop. Eight-ten persons came out of the said cars and out of them 2-3 persons carrying weapons and by showing the pistol from the window of the shop, threatened the complainant and Sandeep son of Balwan to give all the cash otherwise they will be killed. On that, the complainant gave Rs.4,000/- and 8-10 wine bottles to the said persons.

Learned counsel for the petitioner submits that the petitioner is in custody for the last about 10 months; he was not named in the FIR and he was arrested on the basis of disclosure statement made by co-accused. Learned counsel for the petitioner further submits that the petitioner is not involved in any other case and is a first offender.

Learned State counsel, on the basis of affidavit of Deputy Superintendent of Police, Rohtak, has submitted that one car and a stick were recovered from the petitioner. It is also submitted that petitioner is involved in one more FIR No.71 dated 22.02.2017, registered under Sections 279, 304-A IPC and Sections 3/181, 146, 196 of the Motor Vehicles Act, at Police Station Sadar, Rohtak. It is further submitted that the charges have already been framed and out of 20, no prosecution witness has been examined.”

For the sake of brevity, the facts are not reproduced here again.

Learned counsel for the petitioner submits that the allegations against the petitioner are similar to that of aforesaid co-accused, who has already been granted concession of regular bail.

Learned State counsel has filed the custody certificate and has not disputed the factual position. As per custody certificate, the petitioner is in judicial custody for the last 11 months and 16 days and he is involved in one more case under the Arms Act but he is on bail in that case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner is in judicial custody for the last 11 months and 16 days; a similarly situated co-accused has already been granted concession of regular bail as noticed above and also in view of the fact that conclusion of trial is likely to take some time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

17.09.2021
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No