

CRM-M-38822-2021

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

CRM-M-38822-2021

Date of decision: 29.11.2021

Akhilesh Singh

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sumeet Goel, Sr. Advocate with
Mr. Samir Rathaur, and Mr. Paramvir Dhull, Advocates,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.842 dated 11.10.2017 under Sections 186, 353, 307, 342, 216, 419, 420, 467, 468, 471, 120-B IPC and Section 25 of the Arms Act, registered at Police Station DLF, Sector-29, Gurugram.

Learned Senior Counsel for the petitioner contends that it is a case of no injury; that the petitioner has been in custody since 14.10.2017; that the charges are yet to be framed and that there are as many as 25 witnesses, to be examined by the prosecution. Learned Senior Counsel further submits that so far as other cases are concerned, the petitioner has been acquitted/discharged in more than half of those and that so far as the case i.e. indicated at Sr. No.52 of Annexure P-2, registered at Police Station Birasnagar, bearing Case No.21 of 2017, under Sections 420, 419, 467,

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468, 471 and 120-B IPC, is concerned, the petitioner stands enlarged on bail by the High Court of Jharkhand at Ranchi, vide order dated 03.02.2020 (Annexure P-3). Even in Case No.ECIR/06/HIU/2017, under Sections 3 and 4 of PMLA Act, the petitioner stands enlarged on bail by the learned Special Judge (PC) Act, CBI-10, Rouse Avenue Court, New Delhi, vide order dated 09.07.2021 (Annexure P-4). Learned Senior Counsel further submits that while passing the orders (Annexures P-3 and P-4), the Courts had taken into account the factum of there being other criminal cases against the petitioner.

Learned Senior Counsel further contends that nothing is to be recovered from the petitioner. In support of his arguments, learned Senior Counsel relies upon ***Maulana Mohd. Amir Rashadi versus State of U.P. And another, 2012 (1) RCR (Criminal) 586*** and ***Balraj versus State of Haryana 1998(3) RCR (Criminal) 191.***

On the other hand, learned State counsel, while opposing the submissions made by the learned counsel for the petitioner for the grant of bail, submits that the petitioner is a habitual offender and he is involved in as many as 59 cases. However, in the present case, the charges are yet to be framed against the petitioner.

I have heard the learned counsel for the parties.

No injury has been attributed to the petitioner. The petitioner has been in custody since 14.10.2017. The charges are yet to be framed. In such circumstances, the trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars. So far as other cases registered or pending against the

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petitioner, are concerned, he stands acquitted/discharged in 28 cases and as noticed above, has been enlarged on bail in Case No.21 of 2017, P.S. Birasnagar, corresponding to G.R. Case No.882 of 2017 by the High Court of Jharkhand at Ranchi, and in Case No.ECIR/06/HIU/2017, under Sections 3 and 4 of PMLA Act by the Special Judge (PC) Act, New Delhi.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

29.11.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No