

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(208)

CRM-M-39894-2021

Date of Decision : October 01, 2021

Amit Kumar and another

.. Petitioners

Versus

State of Haryana

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. D.S. Matya, Advocate, for the petitioners.

Mr. Karan Garg, Assistant Advocate General, Haryana.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI J. (ORAL)

Present second petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioners in respect of FIR No.7 dated 10.01.2021 registered under Sections 397, 506, 452 and 34 IPC and Sections 25 and 29 of the Arms Act, 1959 at Police Station Sector 9 Ambala City, District Ambala.

Learned counsel for the petitioners submits that the petitioners have already compromised the dispute with the complainant and therefore, the petitioners be extended the benefit of regular bail.

Notice of motion.

Mr. Karan Garg, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that in fact, the petitioners are misusing the process of law as their earlier bail

application being CRM-M- No.35318 of 2021 was withdrawn after addressing the arguments on 03.09.2021 and within a period of three weeks, the present bail petition has been filed, which is not maintainable as no changed circumstances has been mentioned in the present bail petition for the consideration by this Court. Learned counsel for the respondent-State further submits that even otherwise the contention that the petitioners have compromised the matter with the complainant, cannot come to their rescue because the allegations in the FIR are also under Sections 25 and 29 of the Arms Act, which cannot be compromised keeping in view the settled principle of law settled by the Hon'ble Supreme Court of India in **Criminal Appeal No.336 of 2019 titled State of M.P versus Dhruv Gurjar and another and Criminal Appeal No.860 of 2015 titled State of M.P versus Manish and others** and the petitioners are habitual offenders as 8 cases are registered against petitioner No.1 and 4 cases are registered against petitioner No.2 involving heinous crimes as well as the offences under the Arms Act.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that in the present case, recovery of weapon was done from the petitioners and the petitioners, prima facie, are habitual offenders involved in various cases allegedly committing the heinous crimes relating to Sections 302, 307 IPC along with the violation of the Arms Act, for which compromise, if any cannot come to their rescue, no ground is made out to extend the benefit of regular bail to the petitioners at this stage.

Accordingly, the present petition is dismissed.

It is made clear that nothing observed herein shall be construed to be an expression of any opinion on the merits of the case.

October 01, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No