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

CRM-M-35335-2020 (O&M)
Date of decision : 01.03.2021

Raju

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Simranjeet Singh, Advocate for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.140 dated 25.04.2019 registered under Section 392/397 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, at Police Station Bhuna Fatehabad.

As per the allegations made by the complainant- Ramesh Kumar, four persons namely Raju, Makhan, Bunty and Rinku came to the shop of the complainant. Raju and Makhan entered the shop, whereas Bunty and Rinku stood outside the shop. Raju was armed with pistol and he asked the complainant to give money, otherwise he will shoot him. Makhan snatched the money from the locker (*galla*) and pocket of the complainant.

As per the allegations, the amount of Rs.5000/- was

snatched/looted. It appears that the Additional Sessions Judge, Fatehabad while rejecting the regular bail of the petitioner on 30.09.2020 has noticed some wrong facts vis-a-vis place of occurrence to be Clinic and the amount of Rs.50,000/- in place of Rs.5000/-.

Learned counsel for the petitioner submits that Makhan has been granted bail by the Additional Sessions Judge vide order dated 15.07.2019. Similarly, Rinku has also been granted regular bail by the Additional Sessions Judge vide order dated 28.06.2019. The bail has been declined to the petitioner primarily on the ground that he is having antecedent behaviour of criminal activities. He was involved in 36 cases, out of which, in 14 cases, he has been convicted and in 13 cases, he has been acquitted and 9 cases are still pending.

Learned counsel further submits that the involvement of the petitioner in other cases alone is no ground to discard the claim of regular bail, particularly, when co-accused Makhan (similarly situated person) has been granted regular bail by Additional Sessions Judge on 15.07.2019.

The petitioner is in custody since 29.08.2019. The trial of the case may take sometime in its culmination as the prosecution evidence has not started as yet. Even, the charges have not been framed so far.

Learned State counsel, on instructions from SI Krishan, however, opposed the bail on the ground that the petitioner is involved in 36 cases, out of which maximum cases are of the same nature. The pistol has been recovered from the petitioner.

After having heard the learned counsel for the parties, I find that after filing of the challan, the charges have not been framed. The petitioner is in custody since 29.08.2019. The trial of the case may take sometime in its culmination.

Keeping in view the aforesaid facts and circumstances, I deem it appropriate to enlarge the petitioner on regular bail, without meaning anything on merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

01.03.2021

Pawan

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No