

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

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CRM-M-41019-2021

Date of Decision: 05.10.2021

Ajay

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. S.N.Pillania, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Pardeep Kumar.

(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.0092 dated 01.04.2021 at Police Station Civil Lines, Jind, under Sections 399/402 IPC and Sections 25/54/59 of the Arms Act.
2. The allegations, in nutshell, are that on 01.04.2021, while the police party headed by ASI Surender Kumar was patrolling in the area of Jind, then a secret information was received to the effect that 5 young boys, who were carrying weapons and a motor-cycle, were present on the deserted Pindara road and were planning to commit robbery. Pursuant to receipt of said information, the police party proceeded towards the road leading to Pindara, where 4-5 young boys were seen standing in the middle of the road with a

motor-cycle in front of the car lights. It is alleged that when the police party reached close to the young boys, one of the boys stopped the motor-cycle in front of the police vehicle. While two boys came towards driver side having guns in their hands, another two came towards other side. It is further alleged that they were also brandishing knives in their hands and they threatened the occupants of the police vehicle to open the window and to handover whatever they had failing which they would shoot them. As soon as ASI switched on the cabin lights inside the vehicle, the boys noticing the police uniform worn by the complainant and accompanying officials started running from the spot. However, the police was able to apprehend them. It is further the case of the prosecution that 4 of the said boys, namely, Ashish, Sagar, Suraj Bhan and Jony were found to be carrying illegal weapons, whereas Ajay was found to be in possession of a motor-cycle which did not bear any registration number.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the story as projected by the police is highly unbelievable inasmuch as it remains unexplained as to how the police was able to nab the accused when the accused were also stated to be carrying weapons like guns and knives. It has further been submitted that in any case, the petitioner was not carrying any weapon and the only recovery effected from him was in the shape of motor-cycle, which in fact

belongs to his brother. It has also been submitted that the petitioner has a clean record and is not involved in any other case.

4. Opposing the petition, learned State counsel has submitted that since the co-accused of the petitioner were found carrying illegal weapons and in fact even the motor-cycle, which was recovered from the petitioner, was not having any registration number, the intention of the petitioner and of his co-accused is clearly evident and as such, the petitioner does not deserve the concession of bail. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 6 months and that he is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case and while also noticing that the petitioner has a clean record and is not involved in any other case and that no weapon whatsoever was recovered from him and also that he has been behind bars for a substantial period of about 6 months, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

05.10.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**