

208-4 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-38131-2020 (O&M)

Date of Decision: 19.03.2021

Anil @ Lila

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Ramnish Puri, Advocate,
for the petitioner.
Mr. Anmol Malik, DAG, Haryana.

SUDIP AHLUWALIA, J. (ORAL)

CRM-28300-2020:

Allowed as prayed for, subject to all just exceptions.

CRM-M-38131-2020:

This is a petition filed under Section 439 of the Code of Criminal Procedure by the petitioner, seeking regular bail in case FIR No.197, dated 18.06.2009 (wrongly mentioned as June 17th, 2009 in order dated 02.06.2020 passed by ASJ, Rohtak in Annexure P-4), under Sections 148, 149, 302, 307, 120-B, 212 and 404 of the IPC and Section 25 of the Arms Act, registered at Police Station Sampla, District Rohtak.

2. Custody Certificate of the petitioner is not available. However, from Para No.4 of the impugned order passed by the Ld. Additional Sessions Judge, Rohtak on 02.06.2020 (Annexure P-4), it transpires that the petitioner is in custody in the present case since 12.01.2012, i.e. for a period exceeding nine years. His prayer for bail was nevertheless rejected by the Ld. Court below in view of the fact that many more cases are pending

against him and he is a habitual offender.

3. From his side, Ld. Counsel for the petitioner has sent up a copy of the order passed by the Hon'ble Supreme Court in **SLP No.6505 of 2020** titled as “*Vinay Kumar Mishra Vs. The State of Uttar Pradesh*”, decided on **01.03.2021**, in which bail was granted to the concerned petitioner, who had remained in jail for almost nine years, since 05.07.2012.

4. From the Reply filed on behalf of the State by way of Affidavit of the Deputy Superintendent of Police, Sampla, District Rohtak dated 29.12.2020, it is seen that the only material available against the petitioner is the disclosure statement of the co-accused and his Mobile Location Record, the particulars of which have, however, not been mentioned at all.

5. In such circumstances, further detention of the petitioner for an indefinite period in the present case is not justified.

6. In view of the above and without making any further comments on the merits of the case, the petitioner's prayer for regular bail is allowed and he is ordered to be released on bail, if not detained in connection with any other case, subject to his furnishing bail bonds of ₹5 Lacs with two surities of ₹2.5 Lacs each to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned, with a further direction upon the petitioner to report at the concerned Police Station once a fortnight till completion of the trial.

7. Disposed off.

19.03.2021

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No