

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(215)

CRM-M-46835-2021

Date of Decision : November 15, 2021

Harvinder @ Dhillra

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Surinder Kumar Daaria, Advocate, for the petitioner.

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

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.93 dated 06.05.2019 registered under Sections 379-B and 34 of the Indian Penal Code, 1860 read with Section 25 of the Arms Act at Police Station Baroda, District Sonipat.

Learned counsel for the petitioner submits that the petitioner was roped in the present case on the basis of the disclosure statement of the petitioner in an another FIR. Learned counsel for the petitioner further submits that nothing has come on record so as to connect the petitioner with the allegations in the present FIR and therefore, as the petitioner is behind the bars for the last two years, he may kindly 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, on the instructions from ASI Balwan Singh, submits that the petitioner is a habitual offender, who is involved not only in the present case but in two other cases as well of similar nature. Learned counsel for the respondent-State further submits that in the present case, eye witness and the complainant have been examined, who have identified the petitioner during their testimony and as another eye witness is yet to be examined, in case, the benefit of regular bail is extended to the petitioner, the trial is likely to be influenced.

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

Once, the petitioner has been identified by the complainant and an eye witness, the contention of the petitioner that there is nothing against the petitioner in the present case so as to connect him with the allegation, cannot be accepted though, the guilt or innocence of the petitioner will be adjudged keeping in view the complete evidence, which will be brought on record during the trial. As another material witness is yet to be examined, who is stated to be eye witness, keeping in view the facts and circumstances of the present case, in case, the petitioner is extended the benefit of regular bail, the trial or the witnesses concerned can be influenced.

Keeping in view the fact that the petitioner is a habitual offender involved in similar allegations in other cases as well, no ground is

made out to grant the benefit of regular bail to the petitioner.

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.

November 15, 2021

harsha

**(HARSIMRAN SINGH SETHI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No