

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-52987-2021

Date of decision : 22.12.2021

Anuj @ Joni

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Pratham Sethi, Advocate
for the petitioner.

Mr.Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.0391 dated 26.06.2021 registered under Sections 307, 386, 506, 34 IPC and Sections 25, 54 of the Arms Act, 1959 (Section 307 IPC has been deleted and Sections 120-B, 395, 397 IPC have been added lateron) at Police Station Samalkha, District Panipat.

Learned counsel for the petitioner has submitted that in the present case, the petitioner was not named in the FIR and in fact one Ravi @ Commando has been named in the FIR, who is stated to have been extracting money from the complainant. It is further argued that the present case is a case of no injury and offence under Section 307 IPC has been deleted. It is also submitted that there is delay of 20 days in registration of the FIR as the incident is of 05.05.2021 whereas the FIR was registered on 26.06.2021. It is argued that the petitioner has been implicated on the basis

of disclosure statement of Ravi @ Commando and even as per the said disclosure statement, only role attributed to the petitioner is that he was sitting outside in the car whereas other accused persons had gone inside to allegedly extract money from the complainant. It is further stated that one of the co-accused Ankush @ Bunty, who had also, as per the prosecution version, gone inside to extract the money, has already been granted anticipatory bail by the Additional Sessions Judge, Panipat, vide order dated 19.10.2021. It is also argued that the main accused Ravi @ Commando as well as Rajan, from whom recovery of pistols have been made as well as co-accused Vikram have been granted bail under Section 167(2) Cr.P.C. It is contended that the petitioner has been in custody since 01.12.2021 and is not involved in any other case and the trial is likely to take time and thus, prays for concession of regular bail.

Learned State counsel has opposed the present petition and has submitted that as per the disclosure statement of Ravi @ Commando, the petitioner has been rightly involved in the present case.

Keeping in view the above said facts and circumstances moreso, the fact that the petitioner has not been named in the FIR and there is no injury caused to any person and thus, Section 307 IPC has been deleted and there is a delay of 20 days in registration of the FIR and also the fact that the role attributed to the petitioner even as per the disclosure statement of Ravi @ Commando is that the petitioner was sitting in the car of co-accused Ankush, who was one of the persons who had gone inside to threaten the complainant in order to extract money, has already been granted regular bail vide order dated 19.10.2021 by the Additional Sessions Judge, Panipat and the case of the petitioner is on a better footing than that of

Ankush and the main accused Ravi @ Commando and Rajan and Virkam, who have already been released on bail in view of Section 167(2) Cr.P.C. and the petitioner is not involved in any other case, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

December 22, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No