

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-45745-2019 (O&M)
Date of Decision:-23.7.2021

Sanjiv @ Sanju

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Manish Soni, Advocate for the petitioner.

Mr. Vishal Kashyap, AAG, Haryana.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. This is the second petition filed on behalf of the petitioner seeking grant of regular bail in respect of a case registered vide FIR No.609 dated 16.11.2018 at Police Station Dharuhera, District Rewari under Sections 186, 302, 307, 333, 353 of Indian Penal Code, 1860 and Section 25 of Arms Act.
2. As per the FIR, the police was on look-out for Naresh, who was wanted in several cases including a case registered vide FIR No.583 dated 31.10.2018 at Police Station Dharuhera, District Rewari under Sections 302, 34, 506 of Indian Penal Code and Section 25 of Arms Act. On 15.11.2018, the police received information to the effect that Naresh Kumar was roaming about in

Industrial Area of Dharuhera. Upon receipt of said information the police constituted raiding parties so as to search for Naresh. Said Naresh was found near Bharat Petrol Pump on Alwar Bypass and who upon noticing the police party open fired at the police party hitting ASI Rambir Singh, who later succumbed to the firearm injuries. Naresh Kumar was, however, caught by the police and illegal weapons were recovered from him, which were taken into possession by the police. It is further the case of the prosecution that upon interrogation Naresh disclosed that he had procured the country made pistol from the petitioner.

3. Learned counsel for the petitioner has submitted that the petitioner came to be nominated as an accused solely on the basis of a disclosure statement made by the main accused Naresh and that in any case, the petitioner was earlier also involved identically in another FIR i.e. in FIR No.583 dated 31.10.2018, wherein also Naresh had made an identical statement of having procured the weapon in question from the petitioner and wherein the petitioner has already been granted bail vide order dated 24.2.2021 (Annexure P-4).
4. Learned counsel for the petitioner has submitted that involvement of the petitioner in two different cases in respect of the same act of having supplied a weapon to Naresh amounts to double *jeopardy* and that since the petitioner has already been granted bail in the other case i.e. in FIR No.583 dated 31.10.2018, the petitioner deserves the same concession in the present case as well.
5. Opposing the petition, learned State counsel has submitted that since the petitioner is a supplier of weapons, which have been used for commission of

heinous crimes, no case for showing any leniency is made out and that the petition deserves to be dismissed. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 2 years and that challan already stands presented and that as on date only 2 out of cited 32 PWs have been examined.

6. I have considered rival submissions addressed before this Court.
7. It is not in dispute that it is not the petitioner, who had caused any injury or had fired at the police party. The role attributed to the petitioner is that he had supplied the firearm to the main accused Naresh, who had fired at the police party. The petitioner has been behind bars for a substantial period of more than 2 years. Since as on date only 2 out of cited 32 PWs have been examined, it goes without saying that the conclusion of trial is likely to consume time. In these circumstances, further detention of the petitioner will not serve any useful purpose. 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.

23.7.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No