

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

CRM-M-1199-2021 (O&M)

Date of decision: 31.10.2022

Mahipal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Rupinder Singh Jhand, Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 29 dated 30.01.2019, registered under Sections 341, 365, 397, 506 IPC read with Section 34 IPC and Section 25 of the Arms Act, at Police Station City Ratia, District Fatehabad.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner was neither named in the FIR, nor any recovery has been effected from him; that the petitioner was, initially, arrested with co-accused Rattan in case bearing FIR No. 91 dated 14.04.2019, registered under Sections 364, 395, 342 IPC and Section 25 of the Arms Act, at P.S. Uklana, District Hisar; that the petitioner was indicted in the present case, on the basis of his confessional statement recorded on 29.04.2019 in case bearing FIR No. 91 dated 14.04.2019, wherein he has stated that he was also involved in aforesaid FIR, which is not

admissible and in the said FIR, the petitioner is on bail; that as alleged in the FIR, four assailants stopped the car of the complainant and alighted him and fired two shots in the air; that two assailants, put pistols on the neck of the complainant and snatched his mobile and Rs. 500/-; that as per the allegations, a .32 bore pistol along with 03 live cartridges were recovered from the petitioner and co-accused Slim Kahn, in his disclosure statement stated that after purchasing the Ritz car, later on was sold to unknown person; that as far as other cases are concerned, the petitioner is on bail; that in the present case, all the co-accused including said Salim Khan are on bail and that the petitioner has been in custody in the present case since 10.06.2019.

Learned State counsel, while vehemently opposing the prayer for bail submits that the petitioner has actively participated in the crime along with the other co-accused and a .32 bore pistol along with 03 live cartridges were recovered from the petitioner. The petitioner is a habitual offender and as per the custody certificate, the petitioner is involved in 09 other cases. However, he does not dispute the custody period of the petitioner. He submits that out of 35 prosecution witnesses, 16 have been examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 10.06.2019. The recovery has already been effected. Remaining 19 prosecution witnesses are yet to be examined. As stated by the learned counsel for the petitioner, in all other cases the petitioner is on bail. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

31.10.2022
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No