

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-8428 of 2022
Date of Decision:30.11.2022

Ankit @ Praveen @ Cheta

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ankush Chowdhary, Advocate,
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana

Mr. Ashwani Gaur, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.119 dated 13.03.2018, under Sections 302, 307, 216, 109, 120-B, 34 IPC and Section 25 of the Arms Act, registered at Police Station Badshahpur, District Gurugram.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 23.08.2018, which is more than four years. He submitted that the name of the petitioner was nominated on the basis of the disclosure statement of a co-accused, namely, Narender @ Tillu and the petitioner is not involved in the present case. He further submitted that the other co-accused, namely, Anshul who was also nominated on the basis of the disclosure statement

of a co-accused has already been extended the benefit of regular bail by this Court vide Annexure P-7.

On the other hand, Mr. Naveen Singh Panwar, learned DAG, Haryana on instructions from the police official who is present in Court, has submitted that it is correct that the petitioner is in custody for more than four years, but it is a case which falls in the category of serious and heinous crime and the present petitioner is not at parity with the other co-accused namely Anshul. He submitted that the petitioner is also involved in 9 other cases and the details of those cases are given as under:-

Sr. No.	FIR Details	Sections	Status
1.	FIR No.325/2019, PS Civil Lines, Gurugram	179, 424, 34 IPC	Next hearing on 29.12.2021
2.	557/2018, PS Civil Lines, Gurugram	379, 34 IPC	Next hearing on 04.01.2022
3.	358/2016, PS Pataudi, Gurugram	323, 506 IPC	Next hearing on 10.03.2022
4.	334/2017, PS Dharuhera, Rewari	147, 148, 323, 325, 341 IPC	Acquitted
5.	201/2017, PS Pataudi, Gurugram	341, 323, 148, 149, 379-B, 427 IPC	Next hearing on 11.03.2022
6.	75/2018, PS Badshahpur, Gurugram	307, 34 IPC and 25/54/59 A. Act.	Acquitted
7.	119/2018 dated 13.03.2018, PS Badshahpur, Gurugram	302, 307, 34, 120B, 109 IPC and 25/54/59 A.Act	Next hearing on 07.03.2022
8.	395/2018 dated 13.07.2018, PS City Bahadurgarh, Jhajjar	186, 353, 307 IPC and 25/54/59 A.Act	Next hearing on 24.02.2022
9.	190/2018 dated 07.05.2018, PS Pataudi, Gurugram	392, 397, 216-A, 506 IPC	Next hearing on 04.03.2022

He has further submitted that in so far as the other co-accused namely Anshul, who was granted bail by this Court is concerned, he is stated to be involved in 17 cases, out of which in five cases he was acquitted and in the

remaining cases in which he is under trial, pertain to Excise Act and at that stage since *de novo* trial had started, this Court had granted bail to the co-accused, whereas at present, now 8 prosecution witnesses have already been examined. He further submitted that the petitioner is a habitual offender and during the course of investigation, an illegal pistol was recovered from him by which the offence was committed. He further submitted that there is reasonable apprehension with the State that in case the petitioner is released on bail, he may not only abscond but he may also repeat the offence and has therefore vehemently opposed the grant of regular bail to the present petitioner.

I have heard the learned counsel for the parties.

The petitioner is stated to be in custody for more than four years, but as per learned counsel for the parties, the trial was delayed because some supplementary challan was presented later on and *de novo* trial had started. But as of now, as per learned State counsel, 8 witnesses have already been examined. So far as the parity of the present petitioner with the other co-accused namely Anshul is concerned, perusal of the order passed in the aforesaid case would show that the co-accused namely Anshul was facing 17 cases out of which he was acquitted in 5 cases and the remaining pertain to the Excise Act, whereas so far as the present petitioner is concerned, he is facing trial pertaining to Sections 302, 307 etc. and the details of the same have been mentioned above, although as per learned counsel for the petitioner, he has been acquitted in some of them. Further more, at the time of grant of bail to the aforesaid co-accused Anshul, *de novo* trial had started whereas as of now 8 witnesses have already been examined. This Court is of the view that the present petitioner is not at a parity with the aforesaid co-

accused, namely Anshul. Apart from the above, the apprehension expressed by the learned State counsel that in case the petitioner is released on bail, then he may not only abscond but may also repeat the offence considering his antecedents, cannot be ignored and does carry weight.

Therefore, in view of the aforesaid position and considering the antecedents of the petitioner, this Court does not deem it fit and proper to grant the regular bail to the petitioner and therefore finding no merit in the present petition, the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

November 30, 2022
dinesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No