

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

CRM-M-8933-2021 (O&M)
Date of decision: 31.03.2022

Sakeel @ Pahalwan

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. M.D. Khan, Advocate
for the petitioner.

Mr. Gaurav Jindal, Addl.A.G., Haryana
for the respondent-State.

FATEH DEEP SINGH, J.

The petitioner-Sakeel @ Pahalwan accused in a case bearing FIR No.0694 dated 12.11.2019 under Section 25 of the Arms Act, Sections 224, 307, 23, 34 and 379-B of the Indian Penal Code (later added Section 394, 397 and deleted Sections 379-B & 323 IPC) registered at Police Station City Sohna, District Gurugram, has come up in this second regular bail application under Section 439 Cr.P.C. The first one having been declined by this Court vide order dated 23.09.2020.

Upon hearing learned counsel for the parties and on perusal of the records, it has been spelled out by complainant-Lalit Kumar that on 11.11.2019, while he had parked his Scorpio vehicle bearing No.HR-51BD-0862 near his office and at around 3:00 PM when he came out of gym, saw a person breaking the lock of his vehicle. At a little distance, three persons were sitting in a vehicle. When the complainant approached them, all the accused assaulted him and snatched Rs.35,000/- from his pocket and while going away, fired from their weapon and which sneaked pass the complainant.

Learned counsel for the petitioner has contended that the petitioner is behind the bars since 25.11.2019 and that he has been falsely implicated and even in other cases (in all numbering 13) he stands acquitted and that nothing material to connect him with the commission of offence stands recovered.

The plea is opposed by the learned State counsel Mr. Gaurav Jindal, Addl.A.G., Haryana on the grounds that though, the petitioner has been acquitted in some cases but he is facing innumerable criminal cases in and around Gurugram and he is a desperado and if allowed bail, would influence the trial of the case.

The petitioner is behind the bars for almost 02 years and 04 months. It is a non-injury case and the alleged recovery is only of an empty cartridge which could not be reasonably connected with the commission of offence or with the petitioner.

The learned State counsel with all fairness submits that trial is not likely to be concluded in the near future and in light of the same and the fact that culpability if any, would be determined at the time of trial and no useful purpose shall be served by keeping the petitioner behind the bars.

In light of the same, the instant bail application stands allowed. However, to ward-off any such apprehension of the State that he might flee the law, it would sub serve the ends of justice, the petitioner is ordered to be released on regular bail subject to his furnishing of heavy bail bonds in the sum of Rs.2 lakh with two local sureties in the like amount each to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

31.03.2022

Neha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No