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

CRM-M No.18752 of 2022 (O&M)

Date of decision: 11.05.2022

Sunil Kumar @ Bhima

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Kuldeep Sheoran, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.29 dated 30.01.2019, for offence punishable under Sections 341, 365, 397, 506, 34 of the Indian Penal Code, 1860 (in short 'IPC'), Section 25 of the Arms Act, registered at Police Station City Ratia, District Fatehabad.

Counsel for the petitioner has submitted that the FIR was registered on a complaint given by Sukhwinder Singh that on 29.01.2019, he was going to his village in his car and on the way, another car came from the back side and way-laid his car. Thereafter, 04 boys came out of the car, who were carrying revolvers and pistols in their hands and their faces were muffled and they encircle the complainant and by putting pistol on his neck, they started threatening him to kill and took his car towards another village where he was

alighted. The assailants fired the shots and snatched his purse and mobile phone. Later on, 02 co-accused of the petitioner namely Mahipal and Sonu, who were arrested in another FIR No.91 dated 14.04.2019 registered under Sections 364, 395, 342 IPC and 25 of the Arms Act, at Police Station Uklana, District Hisar and suffered a disclosure statement regarding their involvement in the present case and nominated Kuldeep @ Sagar and the present petitioner namely Sunil Kumar @ Bhima, as an accused in the case. Thereafter, the petitioner was taken into custody in this case. It is further submitted that after the arrest of the petitioner, no recovery was effected to corroborate the disclosure statement of the co-accused. It is also submitted that though the petitioner is involved in 04 other FIRs, however, he was nominated in all the cases on the basis of the disclosure statement and in one case, he has been granted the concession of anticipatory bail.

Lastly, it is argued that the petitioner is in custody for the last 02 years, 10 months and 16 days and out of 20 PWs, only 03 PWs have been examined.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail but opposed the prayer for bail on the ground that the petitioner is a habitual offender.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 02 years, 10 months and 16 days; the custodial interrogation of the petitioner is not required; the case is still at the stage of recording the prosecution evidence and the conclusion of the trial will take some

time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

11.05.2022
yakub

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