

218 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16106-2022 (O&M)

Date of Decision: 18th August, 2022

Aasif

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Mohd. Salim, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

AVNEESH JHINGAN , J.(Oral)

This petition was filed seeking regular bail in case of FIR No. 15 dated 25.1.2020 under Sections 342, 365, 395, 397 IPC, 1860 and Sections 25 of Arms Act, 1959 registered at PS. Manesar, District Gurugram.

Learned counsel for the petitioner claims parity with the co-accused Jabir who was granted bail by this Court on 6.4.2022 by passing the following order :-

“This petition under Section 439 of the Code of Criminal Procedure is filed seeking regular bail in FIR No.15 dated 25.1.2020 under Sections 342, 365, 395, 397 IPC and 25 of Arms Act (later on Section 506, 412 IPC have been added) registered at P.S. Manesar, District Gurugram.

As per the case set up there was an incident on 23.1.2020 in which the truck of the complainant was intercepted and thereafter, goods loaded were looted. Rs.7000/- and a mobile phone was snatched from complainant. The complainant was blindfolded taken to a place and thereafter, he was released after giving him Rs.2000/-. The petitioner was apprehended on the basis of the secret information, he confessed his role, got recovered the car

allegedly used in incident and Rs. 3000/-.

Learned counsel for the petitioner seeks parity with co-accused Ikram who was granted bail by this Court vide order dated 9.9.2020. He submits that the petitioner is in custody since 7.2.2020, the complainant has been examined. He argues that in the FIR there is no mention of the registration number of the car used in the incident.

Learned State counsel opposes the prayer and however, on instructions is not able to distinguish parity of petitioner with Ikram viz a viz grant of bail is concerned.

Without commenting on the merits of the case and considering that the petitioner is at parity with the co-accused, is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application, if any, is also disposed of.”

Learned State Counsel opposes the prayer for grant of bail and tries to distinguish the case of the petitioner from the co-accused, so far as grant of regular bail is concerned, on the ground that the petitioner is involved in two more cases.

Without commenting on the merits of the case, considering that though investigation is complete conclusion of trial is likely to take time, on the basis of parity of the petitioner with the co-accused so far as grant of bail is concerned and the fact that mere involvement of the petitioner in other cases in itself would not deprive the petitioner from his personal liberty, the petitioner is granted bail subject to his furnishing bail

bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate

concerned.

The petition is disposed of.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application, if any, is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

18th August, 2022
anuradha

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