

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

1. CRM-M-14243-2020 (O&M)

Sumit @ Kalu

...Petitioner

Versus

State of Haryana

...Respondent

2. CRM-M-23703-2020 (O&M)

Jitender Bhardwaj

...Petitioner

Versus

State of Haryana

...Respondent

Date of decision: 18.04.2022

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Jagmohan Ghumman, Advocate
for the petitioner in CRM-M-14243-2020.

Mr. Ajay Singh, Advocate
for the petitioner in CRM-M-23703-2020.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted two petitions
as they arise out of the same FIR.

Prayer in these petitions, filed under Section 439 of the Code of
Criminal Procedure, is for grant of regular bail to petitioners Sumit @ Kalu

and Jitender Bhardwaj in case FIR No. 110 dated 04.03.2018, registered under Section 25 of the Arms Act, 1959 (Sections 395, 397, 34 of the IPC added and Section 392 IPC deleted later on) at Police Station Sector 5, Gurugram, District Gurugram.

Learned counsel for the petitioners submit that as per allegations, registered at the instance of complainant Sahil, it is stated that he is a tenant and is employed as Cashier in Aditya Sai Food. It is further stated that on 04.03.2018, he along with his colleague Anil were in the store when three young boys entered into the store. Two boys were carrying guns and the third boy, by putting his hand in the cash box, took out Rs. 7900/- and kept in his pocket. The other two boys threatened that if the complainant raises any voice, they will be shot at.

Learned counsel further submit that the police has not conducted test identification parade and these petitions are pending since 2020 and in the meantime, all the private witnesses have already been examined, therefore, there is no possibility for the petitioners to tamper with the prosecution evidence. It is further submitted that petitioner Sumit @ Kalu is in judicial custody for the last about 04 years, whereas petitioner Jitender Bhardwaj is in judicial custody for the last about 02 years and 02 months.

Learned State counsel, on the basis of the custody certificates filed today in Court, has not disputed the factual position, however, it is submitted that the petitioners are involved in some other cases as well.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the petitioners are in long judicial custody; these regular bail

applications are pending since 2020 and in the intervening period, the same were adjourned to await the recording of the statement of the prosecution witnesses, which now has almost been done as learned State counsel stated that out of total 17 prosecution witnesses, 14 witnesses have been examined so far, the instant petitions are allowed. Petitioners Sumit @ Kalu and Jitender Bhardwaj are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate concerned.

A photocopy of this order be placed on the file of other connected case.

18.04.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No