

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

236

CRM-M-21153-2022 (O&M)

Date of Decision: 06.12.2022

ANAND

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ram Kumar Saini, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.282 dated 21.08.2019, registered at Police Station Bhondsi, District Gurugram, under Sections 307, 379-B and 34 IPC; Section 25 of the Arms act, 1959 and Section 307 and 379-B (deleted) and Sections 395, 397 and 120-B IPC (added later on).

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case; that the petitioner was not named in the FIR and was indicted in the present case on the basis of the disclosure statement of co-accused, namely, Ajit and that the allegation against the petitioner is that he along with the co-accused have stolen the money from the money box. He further submits that the petitioner was declared as a proclaimed offender on 21.07.2020 and re-arrested on 22.03.2022; that similarly situated co-accused, namely, Vikas and Sanjay

(who were duly identified by the complainant before the learned trial Court), have already been granted the concession of regular bail by a Coordinate Bench of this Court and that the recovery has already been effected from the petitioner. Still further, it is submitted that in a test identification parade conducted before the Court below, the complainant has not identified the petitioner as one of the accused.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence and that the petitioner remained absconding from the Court proceedings for more than one and a half year. He further submits that there is another FIR under Section 174-A IPC registered and pending against the petitioner, though he is on bail in the said case and that prosecution evidence is yet to conclude.

I have heard the learned counsel for the parties.

The petitioner was not named in the FIR and has been indicted on the basis of the disclosure statement of the co-accused. The petitioner was not identified by the complainant during the test identification parade. Similarly situated co-accused have already been enlarged on bail. In other case under Section 174-A IPC, the petitioner is on bail. Prosecution evidence is yet to conclude. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

06.12.2022

(HARNARESH SINGH GILL)
JUDGE

Aman Jain

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>