

CRM-M-22775 of 2022

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

CRM-M-22775 of 2022
Date of decision: 06.12.2022

Sunil alias Sheela

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Govind Mor, Advocate,
for Mr. Jasbir Mor, Advocate, for the petitioner.
Mr. Vikrant Pamboo, DAG, Haryana.

NAMIT KUMAR, J. (ORAL)

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.344 dated 09.09.2017 under Sections 307, 34, 379-B IPC (Section 120-B IPC added lateron) and Section 25-54-59 of the Arms Act, 1959 registered at Police Station Madlauda, District Panipat.

Brief facts of the case are that on 08.09.2017, complainant Manish alias Billu was going to his house along with his brother Jitender at about 9.45 p.m. In the meantime, three boys came on Splendor Motorcycle from behind. After stopping Motorcycle, one of them fired upon him with intention to kill him and other gave butt blow on his head and third one snatched away cash bag from his hand, in which ledger of their shop was there. Accordingly, formal FIR was registered. Initially untraced report was filed on 07.01.2018. Co-accused Amit alias Mita son of Karam Chand was

CRM-M-22775 of 2022

arrested in FIR No.693 dated 06.06.2017, under Sections 302/120-B/34 IPC and 25-54-59 of Arms Act. Co-accused Amit made disclosure statement that on 08.09.2017, at about 8:00/900 p.m., he along with Rakesh son of Pushkar and Sunil alias Silla (present petitioner) by riding the Motorcycle of Rakesh, snatched the cash bag from a person and while snatching the bag, Rakesh son of Pushkar fired at him whereas he gave butt blow on the head of that person. Petitioner was joined in the investigation of the present case on 29.12.2018 after taking production warrants and he was formally arrested.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case on the disclosure statement of co-accused Amit @ Mitta, which has no evidentiary value. He submits that co-accused, namely, Hanish Kumar alias Thakur has been granted regular bail by the Court of learned Additional Sessions Judge, Panipat, vide order dated 02.02.2019 and other two co-accused, namely, Rakesh and Amit @ Mitta (main accused) have been admitted to regular bail by the Court of learned Additional Sessions Judge, Panipat, vide order dated 10.06.2021. He fairly submits that there are four more FIRs registered against the petitioner wherein he is either acquitted or on bail. Learned counsel submits that mere pendency of other cases cannot be made ground to deny the bail to the petitioner in view of the judgment rendered by the Hon'ble Supreme Court of India in **Prabhakar Tewari Vs. State of U.P. and another, 2020 (1) R.C.R. (Criminal) 831**. Learned counsel also relies on the judgment of the Hon'ble Supreme Court in **Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382**, wherein it has been held as under: -

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent

CRM-M-22775 of 2022

cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

Learned counsel for the petitioner further submits that in this case challan has already been presented; charges have been framed; out of 13 prosecution witnesses only one witness has been examined and now the case is fixed for prosecution evidence on 2.2.2023. Learned counsel further submits that conclusion of trial may take a long time. Petitioner is in custody since 29.12.2018. No recovery is to be effected from the petitioner. Learned counsel submits that no useful purpose would be served by keeping the petitioner behind the bars, therefore, he may be granted regular bail.

Learned State counsel could vehemently opposed the grant of regular bail to the petitioner, however, he admits the factual position that out of 13 prosecution witnesses only one witness has been examined and that conclusion of trial is likely to take a long time.

Considering overall facts and circumstances of the case, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed off accordingly.

(NAMIT KUMAR)
JUDGE

06.12.2022
R.S.

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No