

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

CRM-M-23977-2022

Date of decision : 28.09.2022

Ashok @ Pardhan

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Geeta Singhwal, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. Advocate General, Haryana
for the respondent-State.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.426 dated 26th of July, 2018 registered for the offences punishable under Sections 307, 201, 120-B of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, (Sections 201 and 120-B IPC added later on) at Police Station City Bahadurgarh, District Jhajjar, Haryana.

2. Custody Certificate of the petitioner has been filed on behalf of the respondent-State, today in Court . The same is taken on record.

3. Ld. Counsel for the petitioner submits that the petitioner

was not named in FIR. During investigation, one Sagar Rana son of Sudhir and Mohit @ Monu @ Chand son of Satbir were arrested. On their disclosure, one Sanam Dagar was nominated and arrested on 11th of October, 2019. On the basis of disclosure suffered by the said Sanam Dagar, the petitioner was nominated and arrested on 6th of May, 2021. She submits that no overt act has been attributed to the petitioner except that he is stated to be the source of weapon which was used in crime. She submits that the petitioner is in custody since date of his arrest. Keeping in view the long incarceration suffered by the petitioner, he is entitled for bail. She submits that challan already stands presented and out of 29 cited witnesses, 8 material witnesses also stand examined and, thus, there can't be any apprehension w.r.t. tampering of evidence at the hands of petitioner. She further submits that complainant stands examined and he has not supported the prosecution version.

4. Ld. State Counsel does not dispute the aforesaid factual assertions based on record. However, he refers to Para No.3 of the reply to contend that the petitioner is facing as many as 21 more cases.

5. Faced with this situation, counsel for the petitioner relies upon **Prabhakar Tewari vs. State of U.P. and another, 2020(11) SCC 648** and **Maulana Mohd. Amri Rashadi vs. State of U.P., 2012**

(2) SCC 382, to contend that the fact of the petitioner being involved in the other cases cannot be a sole ground to decline the bail to the petitioner.

6. I have heard Ld. Counsel for the parties and have gone through the records of the case.

7. Admittedly, the Challan stands presented and the material witnesses including the complainant have been examined. Keeping in view the long incarceration suffered by the petitioner, and without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

8. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

September 28, 2022
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No