

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

207

CRM-M-25190-2022

Date of Decision: 07.07.2022

Sajid

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Mohammad Arshad, Advocate,
for the petitioner.

Mr. Rahul Mohan, DAG, Haryana,
assisted by SI Ramesh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.299 dated 28.12.2019 at Police Station Dhauj, District Faridabad, under Sections 398/401 IPC and Section 25 of the Arms Act.
2. The FIR in question was lodged pursuant to receipt of a secret information by the police to the effect that one Umardin @ Chhiba armed with a country-made pistol accompanied by 6 more persons, who were also armed with deadly weapons, is present at Jakhopur-Bijopur, Sirohi road in a white coloured Swift car bearing registration No.HR27-H-2277 for the purpose of committing robbery. Upon receipt of said information, the police reached at the spot where it was noticed that 5 persons present near a Swift car were trying to stop vehicles passing on the road with the help of their weapons. The police party switched off

- the headlights of the vehicle. When they reached near said persons, one of the boys armed with a country-made pistol stopped the police vehicle by hitting the same on bonnet and thereafter pointed the same towards the police officials. The remaining accused also pointed the weapons towards the police officials with an intention to commit robbery. When the police officials switched on the light inside the vehicle, the accused upon noticing that it was police, four of the said persons fled away from the spot. However, one of the said persons, who was carrying a country-made pistol, was apprehended by the police, who disclosed his name as Umardin @ Chhiba. Upon his search 3 live cartridges 315 bore and a loaded pistol and another cartridge were recovered from him. It is further the case of the prosecution that during the course of interrogation, said Umardin @ Chhiba disclosed the names of his companions who had escaped as Sajid @ Sajji, Sakar @ Sakir, Kale and Dhannu. Two persons sitting in car were also apprehended at the spot, who disclosed their names as Umar Mohammed (driver) and Sakil.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case solely on the basis of a disclosure statement made by the co-accused Umardin, which would hardly carry any evidentiary value. It has further been submitted that the petitioner has a clean record and is not involved in any other case. It has also been submitted that since co-accused, namely, Sakil, Umardin, Umar, Sahil and Yusuf @ Dhannu have already been granted bail, the petitioner also deserves the same concession on the grounds of parity.

4. Opposing the petition, learned State counsel has submitted that since the name of the petitioner has specifically been disclosed by the co-accused, who was arrested at the spot, his complicity is clearly evident. It has further been submitted that the petitioner cannot claim parity on account of the bail granted to co-accused, as the said co-accused were granted regular bail. Learned State counsel has, however, not disputed that the petitioner is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case particularly the fact that the petitioner has been nominated on the basis of a disclosure statement and otherwise has a clean record, the petition is accepted and the petitioner, in the event of arrest, is ordered to be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

07.07.2022

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**