

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

CRM-M-32916-2021

Date of Decision: 24th February, 2022

Sandeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rohit Mittal, Advocate, for the petitioner.

Ms. Geeta Sharma, Deputy Advocate General, Haryana.

AVNEESH JHINGAN, J. (Oral)

1. This petition is filed for grant of regular bail in FIR No. 553, dated 29th November, 2017, under Sections 395, 397 and 379-B IPC and Section 25 of the Arms Act, 1959, registered at Police Station Sadar, Rohtak.
2. As per the case set up, on 29th November, 2017, complainant Rajesh while travelling with his uncle in Scorpio car bearing Registration No. HR-26CM-9571, was attacked by 5-6 unknown persons near village Bhalot on Roorkee road. The accused inflicted injuries, threatened to shoot and took away the Scorpio car.
3. Learned counsel for the petitioner submits that the petitioner is in custody since 26th March, 2018, he has been nominated in the FIR only on the basis of his confessional statement, the recovery from him is a pistol that too in another FIR. He further submits that till date there is no progress in the trial, not even one prosecution witness has been examined. He further relies upon the fact that the co-accused was granted bail by the Sessions

Court.

4. Learned State counsel, on instructions, opposes the prayer and submits that the petitioner is involved in 14 more FIRs. She fairly informs the Court that not even one of the prosecution witness has been examined till date.

5. Without commenting upon merits of the case, considering that the FIR is of November, 2017, petitioner is in custody for almost four years, there is no progress in the trial, he has been nominated on the basis of his confessional statement, and conclusion of trial is likely to take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

6. This petition is allowed.

7. It is clarified that observations made here-in-above shall not be construed as an expression of opinion on the merits of the case.

8. Needless to say that in case there is a misuse of the concession of bail the State would be at liberty to avail the remedies in accordance with law.

(AVNEESH JHINGAN)
JUDGE

24th February, 2022

P Kapoor

Whether Speaking/Reasoned: **YES/NO**

Whether Reportable: **YES/NO**