

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-37766-2021

DATE OF DECISION: FEBRUARY 17, 2022

ASHISH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. BALJRAJ GUJJAR, ADVOCATE FOR THE PETITIONER.
MR. BHUPENDER SINGH, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.60 dated 15.2.2020, under Section 379A/34 IPC and Section 25 Arms Act (Section 379B and 397 IPC added later on), Police Station Meham, District Rohtak, who is in custody since his arrest on 14.8.2020.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Rohtak, in the order dated 16.8.2021, are as under:-

“Briefly the prosecution case is that this case was registered on the complaint of Ranbir Singh, who has stated that he is running one denting shop in Meham. After closing his shop he was going back to his village Badesra on his motorcycle. At about 7.00/7.15 p.m. in the way two boys on motorcycle came and asked him to stop. He stopped his motorcycle. Thereafter one of the boy put pistol on him and another boy asked him to hand over his purse and he also started scuffling with him. They took away his purse which was containing Rs. 7000/- in cash, licence and Aadhar Card. After some time from the side

of village Sisar, one auto was seen coming and he signaled to stop the same but it was not stopped. He followed that auto and stood on one side of it. In the way, he fell down from that auto and his foot was fractured.”

Learned counsel for the petitioner has argued that as per allegations in the FIR some unknown persons stopped him when he was returning home and took away his wallet containing cash and other items and the petitioner has been implicated after his arrest in case FIR No.30 dated 31.1.2020, under Section 392/379A/120-B IPC and Section 25/54/59 Arms Act, Police Station Meham. He has further drawn the attention of the Court to the order dated 6.9.2021 (Anenxure P-3), whereby in the said case, the petitioner has been released on regular bail. He has produced the orders relating to the co-accused Ankit @ Bakari who has been released on bail by the Sessions Judge, Rohtak vide order dated 30.12.2021. According to him, the investigation of the case is complete and charges have been framed, but no witness has been examined. He prays for bail.

On the other hand, learned State counsel assisted by PSI Vikas has opposed the aforesaid prayer and produced the custody certificate of the petitioner dated 16.2.2022, filed by way of affidavit of Rai Sahab, Deputy Superintendent, District Prison, Bhiwani and submits that he is involved in other cases of similar nature as well. According to him, pistol was recovered from him.

Considering the above background, the length of custody of the petitioner, and the fact that no prosecution witness has been examined till date, so it is evident that the trial would take considerable time to conclude.

Further, that the co-accused of the petitioner has already been released on

regular bail by the trial Court, therefore, further detention of the petitioner may not be necessary for any useful purpose, who is presently confined in judicial custody since 14.8.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

February 17, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes

Whether Speaking/Reasoned : Yes/No