

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

**CRM-M-35070-2022**

**Date of Decision: 17<sup>th</sup> August, 2022**

Kamal @ Sonu

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present : Mr. Shiv Kumar, Advocate for the petitioner.  
Mr. Gurmeet Singh, AAG, Haryana.

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**AVNEESH JHINGAN , J.(Oral)**

This petition was filed seeking regular bail in case of FIR No. 271 dated 11.9.2021 under Sections 398, 401 IPC, 1860 and Section 25 (1B)(a) of Arms Act, 1959 registered at PS. Farrukh Nagar, District Gurugram.

Learned counsel for the petitioner claims parity with the co-accused Suresh who was granted bail by this Court on 7.7.2022 by passing the following order :-

*“Aggrieved of rejection of prayer for grant of regular bail in FIR No. 271 dated 11.9.2021, under Sections 398, 401 IPC and Sections 25(1B) (a) of Arms Act, 1959, registered at Police Station Farrukh Nagar, Gurugram, the present petition is filed.*

*Police received a secret information that petitioner alongwith his accomplices were having illegal weapons for robbing passers-by. Acting upon a secret information, a raid was conducted. Petitioner along with accomplices were apprehended. A country made pistol and five cartridges were recovered from the petitioner.*

*Learned counsel for the petitioner submits that it is a case of false implication. Petitioner is in custody since 11<sup>th</sup> September, 2021. Petitioner was specifically named in the secret information.*

*Without commenting upon the merits of the case and having conspectus of the facts, considering that petitioner has no criminal antecedents, though investigation is complete conclusion of trial is likely to take time, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.*

*The petition is allowed.*

*It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.*

*Since the main case has been decided, the pending application, if any is rendered infructuous.”*

The contention of the learned counsel for the petitioner is that one country made pistol and four live cartridges were recovered from the petitioner and recovery is to be made.

Learned State Counsel opposes the prayer for grant of bail and try to differentiate the case of the petitioner from the co-accused, so far as grant of regular bail is concerned, on the ground that the petitioner is involved in four more cases.

Without commenting on the merits of the case, considering the fact that the petitioner is in custody since 11.9.2021, though investigation is complete, conclusion of trial is likely to take time, on the basis of parity of the petitioner with the co-accused so far as grant of bail is concerned and the fact that mere involvement of the petitioner in other cases in itself would not deprive the petitioner from his personal liberty, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is disposed of.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

**(AVNEESH JHINGAN )  
JUDGE**

**17<sup>th</sup> August, 2022**

*anuradha*

Whether reasoned/speaking  
Whether reportable

Yes/No  
Yes/No