

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

Sr. No. 215(2)

CRM-M No.34973 of 2022

Date of decision : 13.09.2022

Usman

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Amandeep Rana, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.255 dated 09.09.2020 registered under Section 25 of the Arms Act, 1959 and Sections 342, 395, 458, 506 IPC (Section 27(1) of the Arms Act and Sections 34 and 397 IPC added later on) at Police Station Farrukhnagar, district Gurugram.

The petitioner is being prosecuted for having committed robbery at gun point.

Learned counsel for the petitioner submits that the petitioner, who is a 25 year old boy, has been falsely implicated in this case at the behest of the complainant with whom the petitioner had a monetary dispute; the petitioner has no other criminal antecedents; he is in custody since 10.08.2021; similarly placed co-accused Vakeel who has approached this Court through CRM-M No.6474 of 2022 - Vakeel Vs. State of Haryana has been granted regular bail; all the material prosecution witnesses have since been examined in the petitioner's trial and that since 22 prosecution witnesses still remain to be

examined, the petitioner's trial will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has taken part in robbery at gun point as also that Rs.3200/- was recovered from him.

Whether the petitioner has been falsely implicated in this case on account of monetary dispute between him and the complainant would be debated during the course of the trial. However, the petitioner has no other criminal antecedents; he is in custody since 10.08.2021; similarly placed co-accused Vakeel who has approached this Court through CRM-M No.6474 of 2022 - Vakeel Vs. State of Haryana has been granted regular bail; all the material prosecution witnesses have since been examined in the petitioner's trial and that since 22 prosecution witnesses still remain to be examined, the petitioner's trial is likely to take a long time to conclude.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Gurugram, who shall insist on heavy local sureties, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

13.09.2022

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No