

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

CRM-M-39804 of 2022 (O&M)

DECIDED ON: 23rd September, 2022

Rajesh

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Shiv Kumar, Advocate for petitioner.

Mr. Gurmeet Singh, AAG Haryana.

AVNEESH JHINGAN, J (ORAL)

This is a petition seeking regular bail in case of FIR No.271 dated 11.9.2021, under Sections 398, 401 IPC and Section 25 (1b) (a) of Arms Act, 1959, registered at Police Station Farrukh Ngar, District Gurugram.

Learned counsel for the petitioner claims parity with co-accused Suresh who was granted regular bail by this court on 7.7.2022.

On 7.7.2022 this court passed 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 11th 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."

Learned counsel for the State, appearing on advance notice though opposes the prayer for grant of bail but he is not able to distinguish the parity of the petitioner with the co-accused so far as grant of bail is concerned.

Without commenting on the merits of the case and on the basis of parity of the petitioner with the co-accused, 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.

(AVNEESH JHINGAN)
JUDGE

23rd September, 2022

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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>