

CRM-M-44099-2021

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

CRM-M-44099-2021 (O & M)

Date of decision: 16.11.2022

Sonu @ Monu

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. D.P.S.Bajwa, Advocate,
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.385 dated 17.08.2020, registered under Section 25 of the Arms Act, Sections 379-B, 392, 397 and 506 IPC and Sections 395, 412, 112 and 120-B IPC (added later on), at Police Station Gohana City, District Sonipat.

Learned counsel for the petitioner contends that the above-noted FIR was registered against three unknown persons; that the petitioner was not named in the FIR; that the petitioner has been implicated in the present case with the aid of Section 120-B IPC; that no test identification parade of the petitioner was conducted, that six co-accused have already been released on bail, and that the petitioner has been in custody since 31.08.2020. He further submits that two prosecution witnesses, namely, Deepak Kumar and Anil, while appearing as PW 1 and PW 2 before the trial Court, have not supported the prosecution version and turned hostile,

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and that a compromise dated 11.05.2021 has already been effected between the parties. On this premise, learned counsel prays that that the petitioner be released on bail.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner alongwith the co-accused had hatched a conspiracy to commit the robbery; that the petitioner had also got demarcated the place where he alongwith Sunil @ Sonu was standing for the assistance of the co-accused, who had committed the robbery, and that the petitioner had also got recovered Rs.52,000/-, out of the looted amount. He further submits that the petitioner is a habitual offender and there are as many as five other cases registered or pending against him.

I have heard the learned counsel for the parties.

Although two prosecution witnesses have turned hostile and the co-accused have been granted the concession of bail, yet the fact remains that the petitioner is involved in five other cases for committing the offences of theft and robbery. As per the custody certificate, the petitioner has since been convicted in four cases, out of five other cases registered against him. Thus, having had his complicity in the repeated offences, the petitioner is not entitled to the concession of regular bail, which of course, if granted would pave a way to him to involve himself in another similar or graver offence(s).

Moreover as per the prosecution version, it was the petitioner at whose behest, the co-accused had looted the complainant and an amount of Rs.52,000/- being his share had also been recovered from the petitioner.

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In view of the above, this Court does not find any merit in the present petition.

Dismissed.

16.11.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No