

212
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50342-2021
Date of Decision: 30.05.2022

Deepak

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. S.S. Khurana, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present is a third petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 357 dated 28.07.2019, under Sections 186, 353, 365, 394, 307, 511, 34 IPC and Section 25 of Arms Act, registered at Police Station Sector 14, District Gurugram.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 21.08.2019 which is more than 2 ½ years and the material witnesses have been examined in the present case. He further submitted that so far as the present petitioner is concerned, he was falsely implicated in the present case and his name was nominated on the basis of disclosure statement made by the co-accused namely Anshul. He further submitted that the aforesaid main accused namely Anshul was arrested by

the police and it was on his disclosure statement that the names of three more accused persons were nominated including that of the petitioner and as per the allegation, the aforesaid co-accused Anshul had tried to snatch a Jaguar car and had also used country made pistol and had fired at the police official but so far as the present petitioner is concerned, he has got clean antecedents and is not involved in any other case and it was only because of disclosure statement that his name has been nominated. He further submitted that the similarly situated co-accused namely Sandeep has been granted regular bail by this Court in CRM-M-13665-2020 on 15.06.2020. He further submitted that the role attributed to the aforesaid Sandeep was that after snatching took place, he was driving the Innova car and the role attributed to the petitioner was that he was driving the Jaguar car and both of them were nominated on the basis of disclosure statement. He further submitted that the main witness namely Rahul Pahuja who was the owner of Jaguar car has also turned hostile.

Mr. Ramesh Kumar Ambavta, learned Assistant Advocate General, Haryana has submitted that it is correct that the petitioner is in custody from 21.08.2019 and his name was nominated on the basis of the disclosure statement. He further submitted that it is correct that the other co-accused namely Sandeep has been granted regular bail by this Court vide Annexure P-3 on 15.06.2020. He further submitted that it is also correct that the petitioner is not involved in any other case.

I have heard the learned counsel for the parties.

The petitioner is in custody from 21.08.2019 which is more than 2 ½ years and some material witnesses have also been examined. As

per the learned counsel for the parties the petitioner is not involved in any other case and his name was nominated on the basis of disclosure statement made by the co-accused and one of the similarly situated co-accused namely Sandeep has been granted regular bail by this Court. Furthermore it is not the case of the State that in case the petitioner is released on bail, then he may influence any witness or may tamper evidence or may flee from justice.

Therefore, without commenting on the merit of the case and considering the totality of circumstances, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

30.05.2022

rakesh

(JASGURPREET SINGH PURI)**JUDGE**

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No