

CRM-M-54590-2021

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

CRM-M-54590-2021

Date of decision: 08.07.2022

Ajay alias Goli

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Lekh Raj Nandal, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.217 dated 31.07.2020, registered at Police Station Safidon, District Jind, under Sections 394 and 397 IPC and Section 25 of the Arms Act, 1959 (Section 201 IPC added subsequently).

Status report dated 02.07.2022, by way of affidavit of the Deputy Superintendent of Police, Jind (Law and Order), District Jind, filed in the Registry, is taken on record.

Learned counsel for the petitioner contends that the petitioner has been indicted in the present case on the basis of the disclosure statement of co-accused, namely, Sumit; that recovery has already been effected from the co-accused; that though the allegations against the petitioner are that he had supplied three illegal pistols to Sumit @ Chhota and Mohit, yet the same had not been used in the commission of the alleged

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robbery, and that the petitioner has been in custody since 15.10.2020. On this premise, the learned counsel prays that the petitioner be released on regular bail.

On the other hand, learned State counsel, while opposing the grant of the bail to the petitioner, submits that though the petitioner was not named in the FIR, yet the fact remains that the petitioner had supplied three illegal pistols to the aforesaid co-accused, namely, Sumit @ Chhota and Mohit, which were used in the crime, and that the petitioner is a habitual offender and he has as many as seven other cases registered or pending against him.

I have heard the learned counsel for the parties.

There are serious allegations against the petitioner that he had supplied three pistols to the co-accused, who had committed robbery of Ford Figo Car bearing registration No.HR-02-8090, Rs.53,000/- in cash, one gold bracelet, Apple mobile, ATM Card, from the complainant and Rs.2000/- from his driver on pistol point.

Though the petitioner has been indicted on the disclosure statement of the co-accused and has been in custody since 15.10.2020, yet the fact remains that he has as many as seven other cases registered or pending against him, showing his tendency of committing repeated crime(s) of similar nature. The criminal antecedents of the habitual offender(s) like the petitioner, which shatter the very tranquility of the collective, do not entitle him to be enlarged on bail.

It is not denied for a moment that the period of custody is a relevant factor, but simultaneously the totality of the circumstances and the

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criminal antecedents are also to be weighed. Keeping in view the criminal antecedents of the petitioner, the period of custody of about 02 years and 09 months, in my considered opinion, melts into insignificance. Still further, having had his complicity in the repeated offence of robbery and snatching, the petitioner cannot seek the concession of regular bail, which of course, if granted would pave a way to him to involve himself in another similar offence.

Therefore, finding no merit in the present petition, the same is dismissed.

08.07.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No