

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

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**CRM-M-53363-2021 (O&M)
Date of Decision: 10.05.2022**

BALINDER @ SONU

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Priyavrat Parashar, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.215, dated 23.08.2018 under Section 25 of the Arms Act, 1959 and Sections 392, 397 and 201 of the Indian Penal Code, 1860, registered at Police Station Narwana Sadar, Jind, Haryana.

Learned counsel for the petitioner contends that the instant FIR had been registered at the instance of one Rupendra son of Madan Lal. As per the said FIR, some young boys on two motorcycles came on the petrol pump and one of them was holding firearm and as soon as they got down from the motorcycles, they pointed the weapon towards the the salesman and ran away alongwith the cash taken out from his pocket as well as the weapon held by them. The cash worth Rs.60,000/- was snatched by the boys on the strength of the weapon. The salesman said that he could identify the accused on seeing them again, however, he could not see any specific mark

on the motorcycles as there was no number plate/registration number plate on the same.

It is argued by the learned counsel for the State that the petitioner is not a previous convict and has rather been implicated in the instant case after his arrest in case bearing FIR No.222 dated 31.07.2021 registered under Section 25 of the Arms Act, 1959 at Police Station Sadar Kaithal. He also submits that the said persons, who were implicated alongwith the petitioner as accused in the instant case, were juveniles and have already been granted the concession of bail. He further contends that the petitioner has been in custody since 14.08.2021 and that even the charges have not yet been framed.

Learned counsel for the State, on the other hand, submits that the petitioner has criminal antecedents and apart from his involvement in case bearing FIR No.222 under Section 25 of the Arms Act, 1959, he is accused in another case bearing FIR No.39 dated 20.04.2021 under Section 380 and 457 of the Indian Penal Code, 1860 registered at Police Station Sadar Fatehabad. Learned State counsel, however, could not refute the contention raised by the learned counsel for the petitioner that the petitioner is already on bail in the said two cases that have been lodged against him. It is also not in dispute that only the charges in the instant case have been framed so far, and as such, the trial of the case is not likely to conclude in near future.

Taking into consideration the aforementioned circumstances and the stage of trial as also the period of custody already undergone by the petitioner, I deem it appropriate to allow the instant petition.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

Needless to say that in the event of misusing the concession of bail granted to the petitioner or inducing/extending threats to the prosecution witnesses by the petitioner at any stage after the extension of present concession of bail, the prosecution/victim/complainant/witness(es) would be at liberty to move an application seeking cancellation of the bail granted to the petitioner today.

(VINOD S. BHARDWAJ)
JUDGE

10.05.2022
rajender

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No