

226 IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-53814-2022  
Date of Decision: 24<sup>th</sup> November, 2022

Arjun ... Petitioner  
Versus  
State of Haryana ... Respondent

**CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Jashan Singh Sekhon, Advocate for  
Mr. Shiv Kumar, Advocate for the petitioner.  
Mr. Gurmeet Singh, Assistant Advocate General, Haryana.

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**AVNEESH JHINGAN , J.(Oral)**

This second petition is filed seeking 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The first petition was withdrawn on 7.7.2022.

At the very outset, learned counsel for the petitioner submits that there is an inadvertent mistake in the pleadings that the petitioner is not involved in any other FIR whereas he is involved in four other cases. He claims parity with the co-accused-Suresh who was granted regular bail by this court on 07.07.2022.

On 07.07.2022, the following order was passed :-

*“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 though opposes the prayer for grant of bail, he is not in a position to distinguish the case of the petitioner qua the co-accused so far as grant of bail is concerned

Without commenting on the merits of the case, on the basis of parity with co-accused so far as grant of bail is concerned, considering the fact that though investigation is complete conclusion of trial is likely to take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

**(AVNEESH JHINGAN )  
JUDGE**

**24<sup>th</sup> November, 2022**  
*anuradha*

Whether reasoned/speaking  
Whether reportable

Yes/No  
Yes/No