

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

213

CRM-M 56242 of 2022 (O&M)

Date of Decision: 08.12.2022

Anshu Rathi @ Ashu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Rajesh Mor, Advocate for the petitioner.
Mr. Karan Sharma, DAG, Haryana.

GURBIR SINGH, J (ORAL)

The petitioner has filed the present petition praying for grant of regular bail in case FIR No.50 dated 15.02.2022, under Section 379 IPC (but deleted subsequently) and Section 25 of the Arms Act, 1959, (Sections 379-B, 201, 411 IPC added later on but Sections 201 and 411 IPC not mentioned in the impugned order inadvertently), registered at Police Station Asaudha Bahadurgarh, District Jhajjar, Haryana.

Learned counsel for the petitioner states that the petitioner was arrested in case FIR No. 56 dated 17.02.2022 under Section 25 of the Arms Act. Vide order dated 24.11.2022 (Annexure P-4), the petitioner was acquitted of the charges in the said case. As per version of the prosecution, the petitioner made disclosure statement in the said case and he was nominated in the instant case. The petitioner is not named in the FIR. Even no description regarding physical appearance is given in the FIR despite the FIR having been registered after two days of the occurrence. No identification parade was got conducted. No recovery is effected from the petitioner. The remaining co-accused namely, Vivek @ Vicky and Himanshu @ Sunny from whom a mobile as well as motorcycle were recovered respectively, have been ordered to be granted bail. In the FIR, there are no allegation of snatching, so FIR was registered only under

Section 379 IPC. Later on, Sections 379-B, 201, 411 were added. The petitioner was involved in four different cases i.e. FIR No.97 dated 16.02.2022, FIR No.89 dated 15.02.2022, FIR No.106 dated 14.02.2022 and FIR No.56 dated 18.02.2022. Prima facie it is established that all the cases in which accused was not known, have been foisted upon the petitioner.

Learned State counsel has vehemently opposed the prayer. The petitioner is in custody in this case since 08.03.2022. He conceals that no recovery has been effected from the petitioner.

In view of the above, without commenting anything on the merits of the case and taking into account the fact that the trial is not likely to be concluded in near future as also the fact that the petitioner is in custody since 08.03.2022, in my opinion, no useful purpose would be served by detaining the petitioner behind bars any further. The petition, as such, is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Illaqa Magistrate/Duty Magistrate concerned.

If any attempt whatsoever is made by the petitioner to contact/threaten/intimidate any member of the complainant's family (also the family of the petitioner), the complainant/State shall be at liberty to move an application for cancellation of bail granted vide this order.

(GURBIR SINGH)
JUDGE

December 08, 2022

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No