

CRM-M-720-2023

-1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(220)

CRM-M-720-2023
Date of decision:- 22.11.2023

Krishan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rohit Mittal, Advocate
for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.
for State-respondent.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
149	27.11.2019	Satnali, District Mohindergarh	342 and 395, IPC and Section 25 of the Arms Act.

2. Factual matrix leading to the filing of the instant petition is that FIR, Annexure P-1, has been registered by Surat Singh stating therein that his house is in the agricultural fields and he is living with the family of his younger brother, Sushil Kumar, who is living abroad. On 26.11.2019, 5-6 persons, who were armed with pistol, rods and axe and claimed to be from the CIA, came to his house, threatened him and his family members and looted gold jewellery, LCD, blankets, mobile and desi ghee as well as cash of Rs.20,000/-.

CRM-M-720-2023

-2-

3. Counsel for the petitioner urges that FIR, Annexure P-1, has been registered against unknown persons and petitioner has not been named. He submits that petitioner has been arraigned on the basis of disclosure statement of co-accused, Sonu, who has been released on regular bail by the learned Sessions Judge, Narnaul by order dated 17.09.2022. Still further, by referring to the orders passed in the case of all the co-accused, who have been enlarged on bail, he asserts that all the private witnesses have been examined and the petitioner, who is in custody since April, 2021, deserves to be enlarged on bail.

4. Status report by way of an affidavit of Deputy Superintendent of Police, Mahendergarh, District Mahendergarh has been filed on behalf of State-respondent, which is taken on record. By referring to it, State counsel submits that there are serious allegations against the petitioner, who does not enjoy a clean past. He has also made a reference to the disclosure statement of the petitioner, Annexure R-1, wherein he has admitted the crime. He has categoric instructions to state that complainant has been examined. It is his stand that one of the co-accused, Rajesh @ Govinda, has absented during trial and non-bailable warrants have been issued for his arrest. As per his instructions, ten out of twenty one prosecution witnesses have been examined.

5. I have heard counsel for the parties and considered their respective submissions.

6. Prosecution is yet to examine eleven more witnesses. Trial is midway. Petitioner is in custody for the last more than thirty one months. All the co-accused, except one, have been released on regular bail by the

learned Sessions Judge, Narnaul. Although, the petitioner has been named as an accused in another criminal case, but he has not been convicted for any criminal offence. Noticing the above factors, this Court is inclined to accede to the prayer made in the petition.

7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

8. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

22.11.2023
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No