

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224

CRM-M-5410 of 2023
Date of Decision:09.02.2023

Ashwani @ Mangu @ Sonu

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Pankaj Bali, Advocate,
for petitioner.

Ms. Nidhi Garg, AAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present is a third petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.355 dated 24.08.2020, under Sections 379-B, 120-B, 392, 397 IPC and Section 25-54-59 of the Arms Act, registered at Police Station Kurukshetra University, Kurukshetra.

At the outset, learned counsel for the petitioner submitted that the present bail petition is the third successive bail petition but it has not been mentioned in the headnote of the petition. He submitted that his earlier two bail petitions were withdrawn. He submitted that now the total custody of the petitioner is about 2½ since he is in custody from 26.08.2020 and now 7 out of 16 cited prosecution witnesses have already been examined. He further

submitted that apart from the same, the alleged role assigned to the petitioner was that one Devinder @ Billu had taken a lift and thereafter the petitioner was called and both of them alongwith other co-accused had committed snatching by showing a pistol which was done by the co-accused Devinder @ Billu. He submitted that so far as the aforesaid Devinder @ Billu is concerned, he has already been extended the benefit of regular bail by a co-ordinate Bench of this Court in CRM-M-46454 of 2022 on 19.01.2023 vide Annexure P-5 and the petitioner is not only at parity but at a better footing as compared to the aforesaid co-accused namely Devinder @ Billu. He further submitted that another co-accused namely Jagvinder Singh @ Jagga has also been extended the benefit of regular bail by this Court. He submitted that considering the aforesaid factual position especially in view of the long custody of the petitioner, he may be considered for the grant of regular bail.

On the other hand, Ms. Nidhi Garg, learned AAG, Haryana has stated that it is correct that the petitioner has already faced incarceration for about 2½ years and 7 prosecution witnesses have already been examined and it is also correct that the other co-accused namely Devinder @ Billu and Jagvinder Singh @ Jagga have already been granted bail by this Court. She has however opposed the grant of bail to the petitioner on the ground that the petitioner is a habitual offender.

I have heard the learned counsel for the parties.

Although it is a third successive bail petition filed by the petitioner but as of today, as per learned counsels for the parties, the custody is about 2½ years since he is in custody from 26.08.2020 and 7 prosecution witnesses have already been examined out of 16 witnesses. Apart from the

same, vide Annexure P-5, co-accused namely Devinder @ Billu who is stated to be at parity with the present petitioner has already been granted bail by a co-ordinate Bench of this Court. The pendency of other cases against the petitioner therefore cannot become a ground for denial of bail to the petitioner. Furthermore, it is not the case of learned State counsel that in case the petitioner is released on bail, then he may abscond from justice or influence any witness or tamper with any evidence.

In view of the aforesaid fact and circumstances and considering the long custody of the petitioner, this Court deems it fit and proper to grant regular bail to the petitioner. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)
JUDGE

February 09 , 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No