

2023:PHHC:090991

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

281

CRM-M-6559-2022

Date of decision : 19.07.2023

Pardeep @ Tota**..... Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Ajay Singh, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.0181 dated 05.05.2016, registered for offences punishable under Sections 379-B, 120-B and 34 of IPC and Sections 54, 25 and 59 of Arms Act at Police Station Rajendra Park, Gurguram.

2. Counsel for the petitioner submits that the petitioner has wrongly involved in the present FIR. There is no iota of evidence against the petitioner and nothing has been recovered from him.

3. Counsel for the State is not in a position to dispute the factual assertions made by counsel for the petitioner on the basis of record. However, he submits that keeping in view the gravity of the offence, he does not deserve concession of regular bail. He further submits that similar kind of cases are pending against accused.

4. Faced with this situation, counsel for the petitioner relies

upon **Prabhakar Tewari vs. State of U.P. and another, 2020(111)**

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SCC 648 and Maulana Mohd. Amri Rashadi vs. State of U.P., 2012

(2) SCC 382, to contend that the fact of the petitioner being involved in the other cases cannot be a sole ground to decline the bail to the petitioner.

4. I have heard counsel for the parties and have gone through the records of the case.

5. Without commenting on the merits of the case and keeping in view the incarceration already suffered by the petitioner which is more than 06 years, 11 months and 17 days, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

19.07.2023

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No