

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:092578
CRM-M-6594-2023
Date of Decision: July 21, 2023

Ashwani @ Gulzar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. V.B. Godara, Advocate for the petitioner.
Mr. Randhir Singh, Addl. A.G., Haryana.

DEEPAK GUPTA, J.

By way of this petition filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail in case FIR No.399, dated 04.06.2021, registered at Police Sadar Hisar, District Hisar, under Sections 392, 452, 427, 285, 120-B and 34 of IPC and 25 of the Arms Act, 1959.

2. FIR was lodged on the complaint of Azad, the Manager at Uday Petrol Pump South, Bye Pass, Hisar alleging that on 04.06.2021, he received a call from salesman, as per him, three youths came on a bike, manhandled him and at the point of pistol, took away the money bag from the drawer. They also broke the telephone and LED lying in the office. The bag contained ₹34,255/-. The occurrence took place at about 9.35 p.m. The salesman could not notice the registration number of the bike, on which the robbers had come. FIR was registered. During investigation, petitioner and co-accused Arun were arrested in case FIR No.405, dated 05.06.2021, registered at Police Station Sadar Hisar, under Section 397, 506 and 285 of IPC and Section 25 of the Arms Act, 1959 and during interrogation in that case, they admitted their involvement in the present crime. Petitioner Ashwani @ Gulzar along with co-accused

Suraj and Arun were arrested in this case on 20.06.2021 and their

disclosure statements were recorded. It was revealed that co-accused Arun and Suraj were armed with pistol of .351 bore and all of them had gone to the petrol pump and looted the same. They had divided the robbed money. Weapons have been recovered from co-accused Suraj and Arun in case FIR No.405 of 2021, as noted above.

3. It is submitted by learned counsel that petitioner has been falsely implicated inasmuch as he is not named in the FIR; that occurrence was allegedly captured on CCTV camera; that a false story has been fabricated; that no independent witness was ever joined; that trial may take time to conclude and so the petitioner be allowed bail.

4. Strongly opposing the bail petition, learned State counsel has pointed out towards the criminal antecedents of the petitioner inasmuch as he is involved in 8 other cases, out of which, 3 pertain to robbery/dacoity and 2 pertain to attempt to murder under Section 307 IPC. It is also informed that 5 witnesses out of 10, have already been examined by the prosecution, as per State reply.

5. The details of the cases, in which petitioner is involved, is as under:-

1. FIR No. 252 dated 27.5.2021 under section 392, 341 IPC and 25 of Arms Act PS Azad Nagar, Hisar. Under trial in court of Ld. JMIC Hisar & fixed for 21.7.2023 for PWs.

2. FIR No. 372 dated 26.5.2021 under section 25 of Arms Act PS Sadar Hisar. Under trial in court of Ld. ACJM Hisar & fixed for 17.7.2023 for PWs.

3. FIR No. 405 dated 5.6.2021 under sections 397, 506, 285, 201, 412 IPC and Arms Act PS City Hisar. Under trial in court of Ld. ASJ Hisar & fixed for 25.9.2023 for PWs.

4. FIR No. 657 dated 19.7.2016 under sections 148, 149, 323, 341, 506 IPC PS City Hisar. Acquitted on 2.4.2018.

5. FIR No. 150 dated 4.9.2019 under sections 148, 149, 307, 323, 341, 427 IPC PS BPT Faridabad. Under trial in court of Ld. ASJ Faridabad & fixed for 14.7.2023 for PWS.

6. FIR No. 399 dated 4.6.2021 under sections 392,285,120-B, 427, 34 IPC and Arms Act PS Sadar Hisar. Fixed for 13.7.2023 for PW.

7. FIR No. 204 of 2021 under sections 307, 506, 34 IPC PS Adarsh Nagar Faridabad. Fixed for 19.9.2023 for PWs.

8. FIR No. 241 of 2021 under sections 147, 149, 427, 284, 506 IPC PS City Ballabgarh, Faridabad. Fixed for 15.7.2023 for PWs.

6. Having considered submissions of both the sides and by taken into account the criminal antecedents of the petitioner, but without commenting anything on the merits of the case, this Court is of the view that petitioner does not deserve to be released on bail. In case, petitioner is allowed bail, having regard to his criminal antecedents, he may again indulge in similar offences. Apprehension of the respondent-State can also not be ruled out that in case the petitioner is released on bail, he may try to threaten the prosecution witnesses.

Dismissed.

July 21, 2023
sarita

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No