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2023:PHHC:106681

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11901-2023 (O&M)
DECIDED ON: 25.05.2023

RAJESH @ BHONDAR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Chanakya Pandit, Advocate, for the petitioner.

Mr. G. S. Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

CRM-11030-2023

In view of averments made in the application, the same is allowed.

CRM-M-11901-2023

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail in FIR No.62, dated 18.07.2018, under Sections 302, 506, 120-B 34 IPC and Section 25 of Arms Act, 1959, registered at Police Station GRP Gurgaon, District GRP Ambala Cantt.

2. It has been contended on behalf of the petitioner that the name of the petitioner has been surfaced on the basis of disclosure statement of co-accused Natin @ Happy, who has already been granted the concession of regular by this Court. It is further contended that the petitioner has not been specifically named in the FIR. Even, Suresh Yadav who appeared in the witness box as PW-3 has also not specifically attributed any role to the petitioner. The assertion is that the incident in the present case as suggested by the prosecution occurred commensurate to a previous incident wherein the families of Rajesh @ Ravinder @ Bunty and Devender had an altercation with the family of the complainant and the deceased

(who are real brothers). The petitioner is in custody since 24.09.2018 and has suffered incarceration for a period of more than 4 years.

3. Mr. G.S. Dhillon, AAG, Haryana has opposed the prayer made in the present petitioner stating that the petitioner has played an active role in commissioning of offence. He further submits that a country made pistol along-with two live cartridges has been recovered from the petitioner. As per the custody certificate filed by learned State counsel today in Court, it is evident that the petitioner is also involved in various other cases of IPC meaning thereby, he is a habitual offender.

4. Heard learned counsel for the parties.

5. From perusal of the FIR, it reveals that the petitioner is the main accused and a country made pistol used in the commission of offence has been recovered from the possession of the petitioner. It is crystal clear from the custody certificate that the petitioner is not having clean antecedents, as he is involved in various cases, details of which are as under:-

Sr. No.	Case No.	Whether on bail or not?
1.	FIR No. 195, dated 31.03.2014, Sections 147, 148, 323 and 506 IPC, Police Station Palam Vihar, Gurugram.	Yes
2.	FIR No. 176, 18.06.2014, under Sections 68/1/14 Excise Act, Police Station Rajendra Park, Gurugram	Yes
3.	FIR No. 131/2017, under Sections 323, 506 and 34 IPC, Police Station Rajendra Park, Gurugram.	Yes
4.	FIR No. 43/2017, under Sections 323, 341, 506 IPC, Police Station Rajendra Park	Yes
5.	FIR No. 318, dated 06.09.2018, under Sections 25 Arms Act & Sections 506, 307 and 34 IPC, Police Station Rajendra Park, Gurugram.	Yes
6.	FIR No. 315, dated 13.09.2018, under Section 25 Arms Act, Police Station City Gurgaon, Gurugram.	Yes
7.	FIR No. 345, dated 15.03.2019, under Section 20 NDPS Act, Police Station Shivaji Nagar, Gurugram.	Undergone
8.	FIR No.37/2018, under Section Not available, Police Station Rajendra Park, Gurugram.	Undergone

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| 9. | FIR No. 112/2017, under Section 25 Arms Act, Police Station Farrukh Nagar, Gurugram. | Acquitted |
| 10. | FIR No. 324, 13.09.2018, under Section 25 Arms Act, Police Station Rajendra Park, Gurugram. | Yes |

6. Considering the gravity of offences alleged to have been committed by the petitioner, and the fact that he is a habitual offender, this Court does not deem it a fit case to enlarge him on bail.

7. Accordingly, the present petition stands dismissed being devoid of merits.

8. However, it is made clear that any thing stated hereinabove, shall not be construed as an expression of opinion on the merits of the case.

25.05.2023	(SANDEEP MOUDGIL)
<i>sham</i>	JUDGE
<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>