

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-12766-2023 (O&M)
Date of Decision:-15.5.2023

Sonu @ Bachchi ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vikas Bishnoi, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana,
assisted by ASI Ranbir Singh.

FIR No.	Dated	Police Station	Section/s
22	13.1.2020	Bhuna, District Fatehabad	25 of Arms Act and Sections 399 and 402 of Indian Penal Code

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. The allegations, in nutshell, are that the police received a secret information on 13.01.2020 to the effect that 5 young boys were planning to commit dacoity at a petrol pump and that they were present at Bhuna Sugar Mill. Pursuant to receipt of said information, a raid was conducted and 5 boys were apprehended at the spot, who were all carrying weapons. Said boys disclosed

their names as Sunil Kumar, Sagar, Ajay @ Kishori, Shaktiman @ Shakti and Ashok Kumar. It is further the case of prosecution that during the course of interrogation of accused Sunil, who was apprehended at the spot and from whom a pistol and some live cartridges were recovered, disclosed that he had procured the said weapons from the petitioner.

3. Learned counsel for the petitioner submits that as on the date when alleged occurrence had taken place, the petitioner was already in custody in another case and that he has been nominated on the basis of a disclosure statement, which would hardly carry any evidentiary value.
4. Opposing the petition, learned State counsel has submitted that the petitioner has a chequered record and stands involved in as many as 39 cases out of which he stands acquitted in 9 cases and already stands convicted in 7 cases. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 3 years and that as on date only 5 PWs out of the cited 13 PWs have been examined.
5. This Court has considered the rival submissions addressed before this Court.
6. Although the petitioner is stated to be involved in a large number of cases but as far as the present case is concerned, he has been nominated only on the basis of a disclosure statement, the admissibility and veracity of which would be debatable. The petitioner otherwise has been behind bars for a substantial period of more than 3 years. Conclusion of trial is likely to consume more time as only 5 PWs out of the cited 13 PWs have been examined so far. In these circumstances, further detention of the petitioner would not be justified.

7. The petition, as such, is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

15.5.2023
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No