

CRM-M-16608-2022 (O&M) with
CRM-M-22941-2023

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-16608-2022
Date of Decision: 14.12.2023

Pawan alias Ramlu Petitioner
Versus

State of Haryana Respondent

CRM-M-22941-2023

Vinay Petitioner

Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. G.S. Sidhu, Advocate,
for the petitioner in CRM-M-16608-2022.

Mr. A.P.S. Sandhu Advocate
for the petitioner in CRM-M-22941-2023.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. Both petitions have been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners and are being taken up together for final disposal with the consent of both the learned counsels for the petitioners, since both the petitions arise out of the same FIR bearing No.279 dated 17.06.2021, under Sections 302, 307, 148, 149, 323, 452, 506, 120-B IPC and Section 25 of the Arms Act, registered at Police Station Meham, District Rohtak.

2. It has been submitted by Mr. G.S. Sidhu, learned counsel

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appearing on behalf of the petitioner-Pawan alias Ramlu in CRM-M-16608-2022 that the petitioner is in custody from 18.06.2021, which is almost 2½ years and Mr. A.P.S. Sandhu, learned counsel appearing on behalf of the petitioner-Vinay in CRM-M-22941-2023 submitted that the petitioner is in custody from 04.09.2021, which is more than 2 years and 3 months. They further submitted that in the present case, both the petitioners were arrested on the basis of the disclosure statement of the other co-accused and they are having clean antecedents and are not involved in any other case and they have been falsely implicated in the present case. They also submitted that the offence, if any, was committed by the other co-accused, who were absconding and were arrested later on and it was due to this reason, further progress in the case could not take place and even the charges have not been framed till date with the result that both the petitioners, who are having clean antecedents, had to face incarceration for more than 2 years. They further submitted that considering the aforesaid facts and circumstances of the case, both the petitioners may be considered for grant of regular bail. Learned counsel appearing on behalf of the petitioner, namely, Pawan @ Ramlu has submitted that although the name of the petitioner has been mentioned but he has been falsely implicated in the present case only because he is the neighbour of the complainant whereas the actual assailants had absconded and the petitioner was apprehended.

3. On the other hand, Mr. Naveen Kumar Sheoran, learned Deputy Advocate General, Haryana submitted that so far as the custody of both the petitioners is concerned, the same is correct and it is also correct that both the petitioners have clean antecedents and are not involved in any other case.

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He further submitted that role of the present two petitioners which had come up on the basis of the disclosure statement was that they were standing outside the house of the complainant on the motorcycle and even the motorcycle was also recovered from one of the petitioner, namely, Pawan @ Ramlu. He also submitted that the charges are yet to be framed in the present case.

4. I have heard the learned counsels for the parties.

5. It is a case where the petitioner, namely, Pawan alias Ramlu is in custody from 18.06.2021, which is almost 2½ years and the petitioner, namely, Vinay is in custody from 04.09.2021, which is more than 2 years and 3 months and till date even the charges have not been framed. As per the FIR, 4-5 persons had come to the house of the complainant where the complainant along with his family was sitting and they had fired upon the family of the complainant. Thereafter, in the FIR itself it has been so stated that some of the assailants have been recognized but the name of the petitioner, namely, Vinay does not find mentioned in the FIR and so far as the petitioner, namely, Pawan @ Ramlu is concerned, he has been falsely implicated in the present case only because he is the neighbour of the complainant. Both the petitioners have clean antecedents and are not involved in any other case and have faced incarceration for more than 2 years and even the charges have not been framed till date because the other co-accused, who are stated to be assailants and had fired shots, were not apprehended. Furthermore, it is neither the case of the State nor it has been so argued by the learned State counsel that in case the petitioners are released on bail then they may abscond or flee from justice or may repeat the

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offence or may tamper with the evidence.

6. In view of the aforesaid totality of the facts and circumstances, this Court deems it fit and proper to grant regular bail to both the petitioners. Consequently, both the petitions are allowed and the petitioners are ordered to be released on regular bail on furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. 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 present petition.

14.12.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |