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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18121-2023(O&M)

Date of Decision:19.09.2023

Mohmad Ashif

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ravinder Hooda, Advocate, for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.360 dated 07.09.2021, under Sections 379-B, 34 IPC and Section 25 of Arms Act (challan has been presented under Sections 120-B, 201, 34, 379-B, 395, 397, 412 IPC and Section 25 of Arms Act), registered at Police Station City Jhajjar, District Jhajjar.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody from 11.10.2021 which almost 1 year and 11 months. He submitted that the three witnesses including the complainant have been examined and it is a case where the name of the petitioner also surfaced on the basis of disclosure statement of a co-accused. He further submitted that one of the other co-accused namely, Manju Arya @ Meenu who is at parity with the present petitioner has been extended the benefit of regular bail by a Co-ordinate Bench of this Court vide Annexure P-2. Apart from the above, the

other co-accused namely Ikbali @ Vinay has also been extended the benefit of regular bail by a Co-ordinate Bench of this Court vide Annexure P-3. Furthermore, other co-accused namely, Suraj @ Vicky has also been extended the benefit of regular bail by a Co-ordinate Bench of this Court vide Annexure P-4. He submitted that so far as the present petitioner is concerned, in view of the custody of the present petitioner and the fact that the complainant has already been examined and the trial of the case may take long, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Naveen Kumar Sheoran, DAG, Haryana has submitted that so far as the custody of the petitioner is concerned, the same is correct and the three witnesses have been examined including the complainant. The grant of regular bail to the co-accused has also not been disputed by the learned State counsel. He has however opposed the grant of bail on the ground that the petitioner is a habitual offender and he is involved in two more cases of similar nature.

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

5. It is a case where the petitioner has faced incarceration for 1 year and 11 months. The other co-accused as aforementioned have been extended the benefit of regular bail by a Co-ordinate Bench of this Court vide Annexures P-2 to P-4. As per the learned counsel for the parties, three witnesses have been examined including the complainant. The petitioner is stated to be involved in two more cases but the present case the complainant has already been examined and therefore his earlier cases cannot become a ground for denial of bail to the petitioner. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

6. In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.
7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.
8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

19.09.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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