

CRM-M-18478 of 2022

2023:PHHC:057346

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

CRM-M-18478 of 2022  
Date of decision: 24.04.2023

Parkash @ Ashok

.....Petitioner

versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

Present: Mr. Sahil Gupta, Advocate, for the petitioner.  
Ms. Gaganpreet Kaur, AAG, Haryana.

**NAMIT KUMAR, J.**

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.274 dated 07.09.2019 under Sections 392, 397, 506, 379-B, 201, 412, 120-B IPC and Sections 25, 54, 59 of the Arms Act, 1959, registered at Police Station Kunjpura, Karnal, District Karnal.

2. Present FIR was registered on the application of complainant Randeep Maan resident of Mann Farms, Kunjpura Road, Karnal alleging that on 07.09.2019 at about 12:00 noon, he, his wife Raneet Mann, mother Kaushalya Mann and four servants were present in their Farm House. Servant Pawan Kumar was cleaning the courtyard, when two assailants came at the main door and started enquiring about the owner, when in the meanwhile Smt. Raneet Mann suddenly came at the terrace and saw that

two assailants were trying to forcibly enter in the house by opening the hook of the main gate she asked the servant to stop them and enquire. She went inside. Complainant was inside bathroom in the room. He heard noising of knocking of the door of the room. His wife opened the door. She saw that their servant Pawan Kumar was outside the door and behind him two young boys (assailants) were present. Assailants had pushed Pawan Kumar and barged into the room. One of them, tall in height, had pushed Raneet Mann, who fell on the ground and cried. Complainant Randeep Mann came out from the bathroom and saw that both the assailants were having firearms. One of the assailants had put firearm on the chest of the complainant and other assailants pointed out firearm at his wife. In the meanwhile, mother of the complainant cried and asked complainant to come down. Complainant and his wife, who were held hostage, came down and saw that there was third assailant, who had put a firearm at Smt. Kaushalya Mann. Said three assailants had firstly, taken mobile phones of complainant Randeep Mann and his wife Raneet Mann and Rs.8000/- lying on the table. Thereafter, assailants had taken out Rs.1,75,000/- and jewelery from the almirah of the bedroom of Raneet Mann and put it into a carry-bag. Then assailants had taken out Rs.30,000/- and jewelery from the room of Smt. Kaushalya Mann. Assailants also searched other rooms. Assailants while leaving threatened the complainant's family and their servants not to disclose said incident to anyone, otherwise they would be killed.

3. Learned counsel for the petitioner submitted that the petitioner is innocent and has been falsely implicated in the present case as he has committed no offence. He further submitted that petitioner was not named

in the FIR and has been nominated as an accused on the basis of disclosure statement of co-accused Sandeep @ Sonu @ Daljeet, which has no evidentiary value in the eyes of law. He further submitted that no identification parade was conducted. He further submitted that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 23 prosecution witnesses only one witness has been examined. He submits that petitioner is in custody since 05.02.2021. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. Per contra, learned State counsel while placing on record custody certificate has opposed the prayer for grant of regular bail to the petitioner. She submitted that petitioner is involved in one more case bearing FIR No.42 dated 25.01.2020 under Sections 392, 397, 120-B, 412 IPC and Section 25/54/59 of the Arms Act, registered at Police Station Sector 32/33, Karnal. However, she submitted that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 23 prosecution witnesses only one witness has been examined.

5. Learned counsel has relied upon the judgment of Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said

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judgment is reproduced hereinbelow:-

*“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”*

6. I have heard learned counsel for the parties and perused the record.

7. Keeping in view the custody of the petitioner, which is 02 years 02 months and 18 days; investigation is complete; challan has been presented; charges have been framed and out of 23 prosecution witnesses, only one prosecution witness has been examined and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

8. The petition stands disposed of accordingly.

24.04.2023  
R.S.

(NAMIT KUMAR)  
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No