

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

CRM-M-22235-2023

Date of Decision: 09.05.2023

Amit Singh Rana

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Paramjit Singh Sullar, Advocate, for the petitioner.

Mr. B.S. Virk, Deputy Advocate General, Haryana.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.427 dated 25.02.2020, registered under Sections 394, 397, 307, 120-B IPC and Sections 25, 54, 59 of Arms Act, 1954, at Police Station Ambala City, District Ambala.

Adumbrated facts of the case are that a complaint was lodged by Jarnail Singh son of Sawaran Singh, wherein, it was alleged that on 24.02.2020 at about 10:30 in the night, he alongwith his son Navjyot Singh reached near GT Road outside gate of New Vegetable Market suddenly they were waylaid by one car from which three young boys alighted. They opened the window of the vehicle of the complainant and directed them to hand over everything which they had. Two of the boys had pistol and one was having rod with him. He and his son both got afraid and took out about Rs.25,000/- and handed over to them. They again threatened them and fired gun shot with the pistol, which hit on his right thigh and another boy fired gunshot near to his left ankle and right knee. They raised an alarm and on hearing the same, the boys escaped from there alongwith their car. Request was made to take legal action against the culprits. On the basis of the same,

a formal FIR was lodged and the investigation commenced. During the investigation, Amit Singh Rana, i.e. the petitioner was arrested on 24.07.2020. He approached the Court of learned Additional Sessions Judge, Ambala for grant of bail, however, the learned Court after hearing both the sides, dismissed the same vide its order dated 10.03.2023. Aggrieved by the same, the petitioner has approached this Court by way of filing the present petition for grant of bail.

It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. He has submitted that the petitioner is behind bars since 24.07.2020 and thus, he has almost completed incarceration of about three years. He submits that no identification of the petitioner was carried out by the Investigating Agency and thus, false implication of the petitioner is writ large. He has submitted that the alleged recovery of Rs.3,000/- in cash is also a planted one and the same does not prove the complicity of the petitioner in the alleged offence. He submits that the trial Court has examined the complainant as PW-3, his son Navjyot Singh as PW-4 and his brother Bhag Singh as PW-5 and these material witnesses have not supported the case of the prosecution. He submits that though the petitioner has been involved in other cases as well, however, except one case he has been granted bail in all other cases. He submits that similarly situated co-accused Gurbaz @ Kala and Lovely have already been granted bail. He submits that in the overall facts and circumstances of the case, the petitioner deserves to be granted bail.

On the other hand, learned State counsel has opposed the submissions made by learned counsel for the petitioner and has submitted that there are specific allegations made by the complainant of robbery

committed by the accused. He submits that during the investigation recovery of Rs.3,000/- in cash and one pistol was effected from the petitioner. He submits that besides this the petitioner is involved in six other cases, however, except one case, he is on bail in those cases. He candidly submits that both co-accused Gurbez @ Kala and Lovely have been granted bail in this case. He further submits that out of total 27 prosecution witnesses, 9 prosecution witnesses have already been examined including the complainant, his son and his brother.

Heard.

Evidently, the petitioner is behind bars since 24.07.2020. The alleged recovery made from the petitioner is of Rs.3,000/- in cash and one pistol. Co-accused have already been enlarged on bail. The material witnesses i.e. the complainant, his son and his brother have been examined by the trial Court and they have not supported the case of the prosecution. As submitted before this Court, though the petitioner is involved in six other cases, however, he is on bail except one case. Veracity of the allegations would be evaluated by the trial Court only after appreciation of complete evidence to be led by both the parties before it. This Court would refrain itself from commenting anything on the merits of the case, however, considering the prayer for grant of bail to the petitioner, I am of the view that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. The trial would take sufficiently long time for its conclusion.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing said herein shall be treated as an expression of opinion
on the merits of the case.

09.05.2023			(RAJESH BHARDWAJ)
sharmila	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No