

CRM-M-24689-2023

-1-

224

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

**CRM-M-24689-2023
Date of Decision: 25.07.2023**

Gagan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Pankaj Mehta, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case bearing FIR No.398, dated 26.05.2022, under Sections 392, 412, 120-B, 201 IPC and Sections 25, 29-A, 54, 59 of the Arms Act, 1959 registered at Police Station City Hisar, District Hisar.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody from one year and the investigation of the case has already been completed and challan has also been presented before the competent Court. He further submitted that the petitioner has been falsely implicated in the present case and there has been no recovery from the petitioner. He also submitted that since the investigation of the case has already been completed, his custody would not be required, therefore, he may be considered for the grant of regular bail.

CRM-M-24689-2023

-2-

3. On the other hand, Ms. Harpreet Kaur, learned AAG, Haryana has filed custody certificate of the petitioner in Court today which is taken on record. While referring to the custody certificate, she submitted that the petitioner is in custody for 1 year and 1 day and as per the allegations against the petitioner, he along with the other co-accused had come on motor-cycle and snatched mobile phone from the complainant and the same was done on a gun point. She further submitted that there had been a recovery of motorcycle and Rs.1,000/- from the petitioner and the petitioner is a habitual offender and is involved in as many as six more cases of similar nature, regarding which, details have been given in the custody certificate.

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

5. During the course of arguments, the learned counsel for the petitioner has referred to Annexure P-3 which is an order passed by a Co-ordinate Bench of this Court pertaining to the grant of regular bail to the other co-accused, namely, Aman and has stated that the petitioner is at parity with the aforesaid co-accused. However, so far as the question of parity is concerned, a perusal of the aforesaid order would show that the aforesaid co-accused, who has been granted regular bail by a Co-ordinate Bench of this Court was not having any criminal background and was not involved in any other case regarding which even the learned State counsel had also conceded which finds mentioned in the order itself that that the aforesaid co-accused was not involved in any other case of similar nature. Therefore, this Court is of the view that so far as the present petitioner is concerned, he is not at parity with the aforesaid co-accused, namely, Aman. The petitioner is stated to be in

CRM-M-24689-2023

-3-

custody from one year only and no prosecution witness has been examined till date. The petitioner is stated to be involved in six more cases of similar case. During the course of arguments, the learned State counsel has also expressed apprehension that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witnesses, the apprehension expressed by the learned State counsel cannot be ignored and carries weight.

6. Therefore, considering the aforesaid facts and circumstances and also considering the gravity and magnitude of the offence whereby the petitioner is involved in six more cases of similar nature, this Court does not deem it fit and proper to grant regular bail to the petitioner.

7. Consequently, finding no merit in the present petition, the same is hereby dismissed.

8. 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.

25.07.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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