

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

234

CRM-M-24217-2023 (O&M)

Date of Decision: 20.07.2023

CHANDER PARKASH @ CHANDU

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. DS Virk, Advocate
for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.650 dated 16.11.2021, registered under Section 25 of the Arms Act; Sections 307, 387, 34 IPC and Sections 506, 120 and 120-B IPC (added later on), at Police Station Pundri, District Karnal.

Status report dated 04.07.2023 by way of an affidavit of the DSP, HSP, District Kaithal, filed on behalf of the respondent-State, in the Court, is taken on record.

Learned counsel for the petitioner submits that the FIR in question was registered against some unknown persons; that the petitioner was not named in the FIR and has been indicted in the present case on the disclosure statement of the co-accused; that it is a case of no fire-arm injury; that no recovery was effected from the petitioner; that as per the allegations, two unknown persons came on a motorcycle and had

handed over a paper slip to the complainant wherein it was written as follows: 'Ankush Kamalpur Gang' (in English) and 'get delivered Rs.50 lakhs or else the next result would be the complainant's death' (in Hindi), and that the petitioner has been in custody since 21.11.2021.

Learned counsel for the petitioner further submits that co-accused, namely, Robin Gollen, Sukhdev @ Sukha and Ashutosh @ Kalu, have since been granted the concession of regular bail by this Court, vide orders dated 04.03.2022, 08.07.2022 and 04.08.2022, respectively. He further submits that as far as one other case registered against the petitioner is concerned, he is on bail in the said case and that out of total 20 prosecution witnesses, none has been examined, so far.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that there are specific allegations against the petitioner that he along with the co-accused was running a gang involved in committing robbery in the vicinity and that initially, the accused were planning to demand ransom from Robin, but later on, they had changed the plan and demanded ransom from the complainant. He, however, does not dispute the custody period of the petitioner. He further submits that the petitioner is a habitual offender and is facing one more case and that prosecution evidence is yet to commence and thus, the petitioner be not granted the concession of regular bail. Still further it is submitted that the gang, of which the petitioner is a part, is being operated upon from the jail by one Ankush, who is a hard core criminal.

I have heard the learned counsel for the parties.

The FIR was registered against some unknown persons. The petitioner has been indicted on the disclosure statement of the co-accused. It is a case of no fire-arm injury. The petitioner has been in custody since 21.11.2021. The prosecution evidence is yet to commence. Trial is unlikely to conclude any time soon. As stated above, the co-accused have since been granted the concession of regular bail by this Court. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

20.07.2023

Aman Jain

(HARNARESH SINGH GILL)**JUDGE***Whether speaking/reasoned* : *Yes/No**Whether reportable* : *Yes/No*