

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-26270-2023 (O & M)

Date of decision: 25.07.2023

Parveen @ Vinod

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Pawan Kumar Hooda, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this second petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.253 dated 07.05.2018 under Sections 398/401 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Sadar Sonipat, District Sonipat.

2. The brief facts of the case are that while the police party was on patrolling duty, secret information was received that Parveen @ Praveen (petitioner) and Pankaj alias Vicky who were habitual criminals were looking for an opportunity to rob passer-by near Karkoi – Bayapur Road near the Water Tank ‘Diggi’ and if a raid was conducted, they could be apprehended.

Based on the said information, a raiding party was formed. ASI Sikandar who was in civil dress was made a bogus passer-by and he was asked to inform the police party immediately if anyone tried to rob him. ASI Sikandar was followed by ASI Jitender in the official vehicle with the remaining police party. After about 10 minutes, the voice of ASI Sikandar

was heard shouting “*chor chor*”. When ASI Jitender reached the spot, he

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saw two persons were holding ASI Sikandar and had pointed a pistol at him. Both the accused were apprehended and disclosed their names as Parveen @ Vinod @ Sonu @ Khalifa and a 9 mm pistol alongwith one live round came to be recovered from him. The other person disclosed his name as Pankaj @ Vikas @ Vicky and from him, one country-made pistol 315 bore alongwith one live cartridge was recovered. A car bearing No.HR-08U-7361 was also taken into possession.

3. The learned counsel for the petitioner contends that the petitioner had been falsely implicated in the present case. Though, he was an accused in three other cases bearing FIR Nos. 206 dated 20.03.2018 under Sections 302/34 IPC and Sections 25/27/54 of the Arms Act at Police Station P.S. Narela, Industrial Area, FIR No.296 dated 23.04.2018 under Sections 307, 186, 353, 506 IPC and Section 25 of the Arms Act, at Police Station Narela and FIR No.11687 dated 10.04.2018 under Sections 379 and 411 IPC at Police Station Saket Delhi, he had been granted the concession of bail in each cases vide orders dated 21.04.2023, 22.12.2021 and 06.09.2018 respectively. Separate copies of the aforesaid orders are taken on record as Mark 'A'. Even otherwise, the petitioner had been falsely implicated in the said FIRs. As the petitioner was in custody since 07.05.2018 and only 03 out of the 11 prosecution witnesses had been examined so far, he was entitled to the concession of bail.

4. The learned counsel for the State while referring to the reply dated 21.07.2023, on the other hand, contends that the petitioner is a habitual offender with three other FIRs registered against him. Therefore, his criminal antecedents do not entitle him to the grant of bail. He, however, fairly concedes that the petitioner is in custody since 07.05.2018, only 03 out

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other cases registered against him, he had been granted the concession of bail.

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

6. Though, the petitioner is a habitual offender with multiple cases registered against him, it is equally true that in the said cases, he has been granted the concession of bail. So far as the present case is concerned, the petitioner is in custody since 07.05.2018. Only 03 out of the 11 prosecution witnesses have been examined so far. Therefore, keeping in view the period of custody undergone by the petitioner, his further incarceration is not warranted.

7. In view of the above, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Parveen @ Vinod, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any case/crime other than the cases referred to in this order.

9. In addition, the petitioner (or someone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

(JASJIT SINGH BEDI)
JUDGE

July 25, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No