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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-35587-2023
Date of Decision: 28.07.2023

Ajay @ Situ

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rajesh Duhan, Advocate,
for the petitioner.

Mr. Naveen Kumar Sheoran, AAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case bearing FIR No.90 dated 16.02.2021, under Sections 379-B, 34 & 25, 54, 59 of the Arms Act, 1959 (after charge sheet Sections 392 read with Section 397 read with Section 34 IPC, 201 read with Section 34 IPC and 25 (1B) of the Arms Act are added) registered at Police Station Samalkha, Panipat, District Panipat.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody for 2 years and 4 months and it is a case where the petitioner was not named in the FIR and was thereafter, nominated along with two more co-accused. He further submitted that as per the allegations the petitioner along with other co-accused had snatched Rs.3,000/-, one mobile phone and car on gun point from the complainant. He also submitted that after completion of

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investigation, the challan has already been presented before the competent Court and thereafter, only 4 witnesses have been examined till date. He further submitted that since the petitioner has already faced incarceration for 2 years and 4 months, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Naveen Kumar Sheoran, learned DAG, Haryana has vehemently opposed the grant of regular bail to the petitioner on the ground that although the petitioner is in custody for 2 years and 4 months but it is a case where the petitioner is involved in as many as 10 more cases of similar nature. He further submitted that the petitioner is habitual in snatching things on gun point. He also filed a custody certificate of the petitioner in Court today which is taken on record.

4. Learned counsel for the petitioner has however at this stage stated that the petitioner is at parity with the other co-accused, namely, Rajat @ Dhola and Ajay @ Chhota, who have been extended the benefit of regular bail in CRM-M-51755-2022 on 18.05.2023 and in CRM-M-32685-2022 on 21.09.2022, respectively.

5. However, learned State counsel has stated that the petitioner is not at parity with the aforesaid co-accused because as per the order itself the other co-accused were involved in three more cases but they were not of similar nature, but so far as the present petitioner is concerned, he is involved in 10 more cases out of which many of them are of similar nature.

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

7. The petitioner is although in custody for 2 years and 4 months and 4 witnesses have already been examined. As per the learned State counsel, the

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petitioner is involved in 10 more cases out of which many of them are similar in nature. This Court is of the view that the petitioner cannot be stated to be at parity with the other co-accused, who have been enlarged on regular bail.

8. Therefore, considering the aforesaid totality of facts and circumstances and also considering the gravity and magnitude of the offence, apart from the fact that the petitioner is involved in 10 more cases of similar nature, this Court does not deem it fit and proper to grant regular bail to the petitioner.

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

10. 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.

28.07.2023

*Bhumika***(JASGURPREET SINGH PURI)**
JUDGE

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