

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-44552-2022

Date of Decision: 18.01.2023

Sandeep

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. R.K. Girdhwal, Advocate for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 17.01.2023, filed by learned counsel for the State is taken on record.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 279 dated 02.11.2020 registered under Sections 395, 398, 455, 379-B, 511, 419, 420 and 120-B IPC and Section 25 of the Arms Act at Police Station City, District Jhajjar.

As per prosecution story, on 02.11.2020 at about 4:05 P.M. when the complainant and his friend, namely, Kapil were present in their office (J.R. Muthoot Finance), six accused armed with weapons entered their office, after giving beatings to the Security Guard, deputed at the gate with an intention to commit Robbery of gold, cash etc. The accused

also tried to break open the office with the same intention, but on raising alarm, all the accused persons fled away from the spot. Two accused persons, namely, Shakti and Sandeep have signed the Visitors' Register.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner was not named in the FIR. He has falsely been implicated in the present case on the basis of disclosure statement suffered by his co-accused-Shakti Singh, which is a very weak type of evidence. Nothing has been recovered from the petitioner. The petitioner is in custody since 29.03.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Co-accused of the petitioner, namely; Shakti Singh and Shyamphool, have already been granted the concession of regular bail by the learned Additional Sessions Judge, Jhajjar, vide orders dated 07.01.2021 and 14.01.2021 (Annexures P-4 and P-5, respectively). Therefore, treating the case of the petitioner on the same parity as that of his co-accused, he may be released on regular bail.

On the other hand, learned State counsel has opposed the present petition.

Keeping in view the facts and circumstances of the case and also the fact that co-accused of the petitioner, namely, Shakti Singh and Shyamphool, have already been granted the concession of regular bail by the learned Additional Sessions Judge, Jhajjar, vide orders dated 07.01.2021 and 14.01.2021 (Annexures P-4 and P-5, respectively), but without commenting on merits of the case, I am of the considered view

that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Sandeep, is ordered to be released on regular bail on furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

January 18, 2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No