

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

CRM-M-43074-2023

Date of Decision:-05.09.2023

Anuj.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Tanvir Singh Attariwala, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, Assistant Advocate General,
Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.67 dated 28.02.2023 under Sections 379-A IPC and Sections 25/54/59 of Arms Act (wherein Section 379-A IPC was deleted and Sections 379-B, 397 and 120-B IPC were added later on) registered at Police Station Taraori, District Karnal, Haryana.

2. The present FIR came to be registered at the instance of Pardeep who stated that on 27.02.2023 at about 11.45 PM one unknown person came to his wine shop where he was working as a salesman and looted Rs.50,000/- on gun point. CCTV footage of the occurrence was available. Legal action was sought.

On 06.03.2023 Anuj (petitioner) and Deepak Tomar were arrested. A pistol along with two cartridges were recovered from the petitioner along with cash and car bearing registration number DL-5CK-

8017.

3. The counsel for the petitioner contends that petitioner has been falsely implicated in the present case. The petitioner was not named in the FIR which has been registered after a delay of 01 day. The recovery has been planted upon him. In fact the petitioner was a student of Pharmacy at Sonipat and a Social Activist and has been falsely implicated by the liquor mafia who are hand in glove with the police. As he was in custody since 6.3.2023, the report under Section 173(2) Cr.PC stood submitted and none of the 11 prosecution witnesses had been examined so far, he was entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that the petitioner and his co-accused were duly identified in the CCTV footage referred to in the FIR. In addition to the present case, the petitioner is involved in one other case of a similar nature. Therefore, the allegations against the petitioner as also his antecedents did not entitle him to the grant of bail.

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

6. The veracity of the prosecution case against the petitioner shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first time offender and in custody since 6.3.2023. The report under Section 173(2) Cr.PC stands submitted and none of the 11 prosecution witnesses have been examined so far. In this situation the Trial of the present case is not likely to be concluded anytime soon. As such the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Anuj** son of Sh. Anil Kumar is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to

the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

9. If the petitioner or any of his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this Court.

10. In addition, the petitioner (or anyone 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 the trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 05, 2023
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>