

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

206

CRM-M-44060-2023
Date of Decision:- 02.12.2023

KRISHAN SINGH @ GOLU

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Amit Choudhary, Advocate for the petitioner.
Mr. Vishal Malik, DAG Haryana.

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SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
351	22.11.2022	397 and 34 IPC 25 of the Arms Act (201 IPC added later on)	City Ratia, District Fatehabad

2. Briefly put the facts of the case as per the prosecution are that on 22.11.2022 at about 10:00 PM, when the complainant-Yashpal came out of liquor vend, three young boys came in a white coloured Swift car and one of them pointed pistol upon him and took away 5-7 boxes of English and

country-made liquor from the liquor vend and snatched Rs.7,000/- from his pocket along with his mobile phone and gave slap and fist blows to him. On seeing the quarrel, Manjeet Singh, Sarpanch of the Village Kanwalgarh along with one companion, stopped their vehicle, however, the accused persons pointed pistol upon them and snatched their money and mobile phones as well.

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that petitioner is not named in the FIR and the Investigating agency has failed to collect any incriminating evidence against the petitioner. He contends that a false recovery of Rs.2,000/- has been foisted upon the petitioner. He further submits that the petitioner is in custody since 05.02.2023 and the challan has already been presented in Court and charges have not yet been framed. The prosecution has cited 14 witnesses, as such, conclusion of trial would take sufficient long time. He thus prays for grant of concession of bail to the petitioner.

4. *Per contra*, learned State counsel while referring to the Status report dated 09.10.2023 filed in the form of an affidavit of Deputy Superintendent of Police, Ratia, District Fatehabad, submits that petitioner is one of the main conspirator to commit the offence along with other co-accused and a recovery of Rs.2,000/- has been effected from him. He further submits that petitioner is a habitual offender and is involved in another case of similar nature bearing FIR No.317 dated 08.11.2022 registered under Sections 392, 397, 34 IPC and Section 25 of the Arms Act, at Police Station

Sadar Ratia.

5. Heard learned counsel for the parties and perused the record.

6. Admittedly, the petitioner was not named in the FIR and has been nominated in the present case on the basis of disclosure statement made by co-accused Arshdeep Singh in another case FIR No.317 dated 08.11.2022 registered under Sections 392, 397, 34 IPC and Section 25 of the Arms Act, at Police Station Sadar Ratia. In the present case, a recovery of Rs.2,000/- has been allegedly effected from the petitioner, which is disputed by learned counsel for the petitioner. The petitioner is in custody since 05.02.2023 and as stated above, the challan has already been presented in Court. It is not disputed that charges are yet to be framed by learned trial Court and thereafter 14 witnesses, cited by the prosecution, have to be examined, which may take sufficient long time and the criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion

of this Court on the merits of the case.

9. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

02.12.2023
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |