

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-52691-2022

Date of Decision: 9.5.2023

Krishan @ Gatha

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Bhanu Udai, Advocate for
Mr. Vikas Gulia, Advocate,
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.442 dated 8.11.2018 registered for the offences punishable under Sections 307, 332, 353, 399, 402, 420, 467, 468, 471 IPC (Section 412 IPC added later on) and Sections 25, 27 of Arms Act at Police Station Murthal, District Sonapat.

2. The allegations in nutshell are that the police received secret information to the effect that the petitioner and other accused persons were present in brick kiln in the area of Kumaspur and all of them armed with deadly weapons and having one Fortuner and one Creta car and were planning to commit robbery. Thereafter, the disclosed place was raided by the police officials and the miscreants started firing at the police party, as a result of which, Constable Amit sustained injury. During the said raid,

Pawan alias Poona, Parmod alias Pammi, Neetu alias Neeta, Ravinder alias Golu, another Ravinder alias Lauri, Mahipal alias Malha, Sunil, Dinesh, Amit and Pawan alias Phalu were apprehended along with different weapons. However, the present petitioner succeeded in escaping from there and was later on, arrested and one pistol and 8 live cartridges were recovered from the possession of the petitioner at the time of his arrest.

3. Counsel for the petitioner submits that the prosecution story is highly improbable and the petitioner was not arrested from the spot of recovery and later on, arrested and is in custody since long. He further submits that the alleged recoveries are already effected and it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be released on bail.

4. Present petition is resisted by the State counsel who submits that the petitioner and his companions were present in a brick kiln and they were armed with different weapons and they planned to commit robbery and when the police party raided the said place, they started firing, as a result of which, one police official sustained injury. However, the State counsel has not disputed the fact that the petitioner was not arrested from the spot and was later on, arrested along with one pistol and 8 live cartridges. State counsel has also apprised the Court that the trial is at its initial stage.

5. I have considered the submissions made by the counsel for the parties.

6. Recoveries in the present case are already effected and the petitioner was arrested on 16.11.2018 and the trial is not making any progress and it will take considerable time for trial to terminate. Thus, no useful purpose is going to be served by detaining the petitioner in custody

for any longer period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

May 9, 2023
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No