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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-50083-2022 in/and
CRM-M-57811-2022
DECIDED ON: 30.01.2023

SONU ALIAS COMMANDO

.....APPLICANT-PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Ajit Sihag, Advocate
for the applicant-petitioner.

SANDEEP MOUDGIL, J (ORAL)

CRM-50083-2022

Application is allowed as prayed for.

Annexure P-3, copy of impugned order dated 23.05.2022 is taken on record with just exception.

CRM-M-57811-2022

This is a petition seeking regular bail in FIR No.0230, dated 06.04.2021, under Sections 307, 34 and 120-B of the Indian Penal Code, 1860 and Section 25 of Arms Act, 1959, registered at Police Station City Hansi, District Hisar.

Learned counsel for the petitioner contends that no injury has been attributed to the petitioner and no case is made out against him under Section 306 and Section 34 at least at this stage. He also asserts that the name of the petitioner has been roped in the instant FIR merely on the basis of disclosure statement of Sandeep alias Jeeta stating that he, alongwith Aman, was on bike which was being driven by Aman.

Learned counsel for the petitioner on the strength of such fact that Aman and Sandeep @ Jeeta were riding the bike which is sufficient to depict that the petitioner was not accompanying them on bike and was not present at

the spot, i.e., the place of occurrence whatsoever and has been, therefore, falsely implicated in the case.

Notice of motion.

On the asking of Court, Mr. Ashok Kumar Sehrawat, DAG, Haryana accepts notice on behalf of respondent-State and produced the custody certificate which shows that the petitioner is behind the bars for the last 1 year, 9 months and 15 days, though, there are number of cases against the petitioner.

Learned State counsel has vehemently argued that the petitioner is an habitual offender who is involved in 11 other cases.

Be that as it may, having considered the custody certificate and the submission of the learned State counsel that in three cases the petitioner is on bail, out of those 11 cases, wherein most of them are under Sections 323 or 147 or 341 IPC alongwith Section 506 of IPC, added with the aspect that the main accused namely Sandeep @ Jeeta has been already released on regular bail and the trial is likely to take some time wherein out of 33 PWs only 7 have been examined so far. Therefore, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

(SANDEEP MOUDGIL)
JUDGE

30.01.2023

Meenu

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