

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-60113-2023**

**Date of Decision:06.12.2023**

Arshdeep Singh @ Arsh

...Petitioner

vs.

State of Haryana

...Respondent

**Coram : Hon'ble Mr. Justice N.S.Shekhawat**

Present : Mr. Preetwinder Singh Dhaliwal, Advocate  
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

Mr. Abdul Aziz, Advocate  
for the complainant.

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**N.S.Shekhawat J. (Oral)**

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 317 dated 08.11.2022, registered under Sections 392,297,34 of IPC (Section 392 IPC deleted later on) and Section 25(Act No.54) of Arms Act, Police Station Sadar Ratia, District Fatehabad.

2. The FIR in the present case was registered on the basis of the complaint moved by Anil Kumar. As per him, he was working as a Salesman at a liquor vend for the last two months. On 07.11.2022 at about 8.30 p.m., he was present at the liquor vend and the gate of liquor vend was open. All of a sudden, 3 young persons entered into liquor vend and one of them having a pistol in his hand. One of them, demanded beer after entering inside and the second person pointed pistol. Other two of them, took away several boxes of country made

liquor, English liquor, beer and one LED 32 inches make Samsung and had loaded the same in their white colour Swift car. They also took away his mobile phone containing two SIMs and a sum of Rs.20,000/- after taking out the same from safe box and they went towards Ratia. They also informed that the crime was committed by Bablu and he may inform his contractor and while leaving from there, they closed the door from outside. He could identify if those accused are brought before him and prayed from legal action against him. With these main allegations, the present FIR was got registered by the complainant.

3. Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 31.01.2023 and is in custody for the last about 11 months. He further contends that the petitioner was not named in the present case and even he has been arrested without any incriminating evidence against him. He next contends that no test identification parade was held by the Investigating Agency. Learned counsel has further placed reliance on the order dated 02.12.2023, passed by this Court in CRM-M-42605-2023 titled as *“Jagdeep Singh @ Gaggi Vs. State of Haryana”*, whereby the similarly placed co-accused has been granted the concession of bail by this Court.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that there are seven more criminal cases registered against the present petitioner. Apart from that, Swift Car used in the robbery and the illicit weapon have been recovered from him. Thus, he does not deserve the concession of bail.

5. I have heard the learned counsel for the parties and perused the record.

6. In the present case, the petitioner is in custody for the last more

than 10 months, however, the prosecution has not been able to examine even a single witness so far. Apart from that, similarly placed co-accused Jagdeep Singh @ Gaggi has already been granted the concession of bail by this Court.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

*(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*

*(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*

*(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*

*(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*

*(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial*

Court.

(vi) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to him.*

(vii) *The concerned Court may insist on two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bail bonds and surety bonds of the petitioner.*

(viii) *The petitioner shall report every 1st Monday of English calender month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.*

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

06.12.2023  
hitesh

**(N.S.SHEKHAWAT)**  
**JUDGE**

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