

2023:PHHC:160626

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

238

CRM-M-62001-2023

Date of decision : 14.12.2023

Deepak @ Dhanda**..... Petitioner**

versus

State of Haryana**..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Gaurav Sharma, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.0517 dated 04.06.2023, registered for the offences punishable under Sections 307, 341, 506 and 34 of IPC, 1860 and Section 25 of Arms Act, 1959 at Police Station Samalkha, District Panipat.

2. Reliance has been placed upon order dated 21.11.2023 passed in **CRM-M-57534-2023**, wherein co-accused Abhishek has been granted regular bail by this Court observing as under:-

“xx xx xx

3 It is the case of the prosecution that Deepak S/o Joginder who was named in the FIR further suffered a disclosure on the basis of which the present petitioner was nominated. The petitioner is in custody since 9.07.2023. It is a case wherein any injury was suffered by any person. Challan already stands presented and thus the custody of the

2023:PHHC:160626

petitioner cannot be prolonged as a punitive measure.

4 Learned State counsel on the other hand submits that the petitioner does not deserve to be released on bail as he is a habitual offender having one more FIR registered against him that too for offence punishable under Section 307 IPC read with Section 120-B IPC. He further submits that country-made pistol along with magazine and one live cartridge was also effected from the petitioner.

5 Having heard learned counsel for the parties and after going through the records of the case, keeping in view the incarceration suffered by the petitioner and without commenting further on the merits of the case and the fact that the only incriminating evidence as on date is in form of disclosure made by co-accused that too in police custody, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.”

3. Counsel for the State does not dispute the aforesaid factual assertions based on record.

4. Keeping in view the parity and the incarceration already suffered by the petitioner, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

2023:PHHC:160626

5. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

14.12.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No