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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2511-2024(O&M)
Date of Decision: 14.05.2024

Jagdeep Bhadia

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rajesh Nain, Advocate, for the petitioner.

Mr. Gaurav Jindal, Additional Advocate General, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.173 dated 29.05.2020, under Sections 397 IPC and Section 25 of Arms Act (Sections 201, 120-B IPC added later on), registered at Police Station Bhuna, District Fatehabad, Haryana

2. Learned counsel for the petitioner has submitted that the petitioner is in custody for 3 ½ years and as per allegations, four boys had come on a motorcycle and they had snatched a car at gunpoint from the complainant. He submitted that so far as the alleged role of the present petitioner is concerned, the petitioner had supplied a pistol to one of the aforesaid co-accused about 7-8 months before the date of incident and it is not a case of the police that the petitioner was also present on the spot. He submitted that in fact it is a case where the petitioner has been falsely implicated because of the fact that he had earlier been involved in 12 more

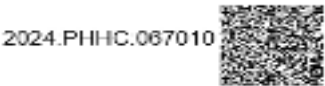


cases but he has already been acquitted in six cases and because of the aforesaid reason he has been falsely implicated on the basis of disclosure statement of a co-accused. He further submitted that the petitioner has faced incarceration for 3 ½ years and till date only three prosecution witnesses have been examined.

5. On the other hand, Mr. Gaurav Jindal, learned Additional Advocate General, Haryana has submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that till date only three prosecution witnesses have been examined. He also submitted that as per allegations, the petitioner was not present on the spot when the snatching took place but the allegation against the petitioner was that he had supplied a pistol to one of the aforesaid co-accused about 7-8 months before the date of incident. He submitted that the petitioner is a habitual offender and is involved in as many as 12 more cases and therefore, the petitioner does not deserve the concession of regular bail.

6. I have heard the learned counsels for the parties.

7. It is a case where the petitioner has already faced incarceration for 3 ½ years and as per learned counsel for the parties, only three witnesses have been examined till date. Both the learned counsel for the parties have stated that the petitioner was not one of the aforesaid co-accused who had snatched away the car of the complainant at gunpoint, whereas his alleged role was that he had supplied a pistol to one of the aforesaid co-accused about 7-8 months before the date of incident. As per learned counsel for the petitioner, the petitioner is involved in 12 more cases but he has already been acquitted in six cases and in the present case, he has been falsely



events.

8. In view of the aforesaid facts and circumstances and considering the alleged role of the petitioner and his custody of 3 ½ years, this Court deems it fit and proper to grant regular bail to the petitioner.

9. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned, if not required in any other case.

10. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

14.05.2024

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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