

CRM-M-3770-2023

1
2024:PHHC:004555

219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3770-2023
Date of decision : 15.01.2024

ASHWANI SINGH @ ASHWANI

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. V.K. Sandhir, Advocate
for the petitioner.

Mr. Jaspal S. Guru, AAG, Punjab
with ASI Balbir Singh.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.254 dated 24.09.2022 registered for the offences punishable under Sections 379-B, 149 IPC and Section 25 of Arms Act, later on Sections 395, 411 IPC was added at Police Station Tanda, District Hoshiarpur.

2. As per the contents of the FIR, it has been alleged as under :

“xxxI am resident of above mentioned address and doing job in private company at Gurgaon. On dated 23.09.2022 at about 10.30 PM Night, me and my friend Krishana Gupta son of Anil Kumar Gupta r/o E 113 West Patal Nagar New Delhi and Gagan Nagpal son of late Gulshan Nagpal r/o house no WZ 1093 Basti Darapur Bali Nagar PS Ramesh Nagar New Delhi were going to Delhi to Dalhousie in our car no DL 12 CL 3524 Marka Ciaz Colour Dark gray .When we crossed Tanda city one swift car

without number colour silver over took us , we stopped our car at some distance from village Munak Kalan and took a side for urinating then it was about 6.10 AM in the morning, in the mean time one swift car without number colour silver who overtook us the said car stopped just ahead of our car in the meantime one person stepped down and came to us and asked the way to go to Hoshiarpur, we told that they are not aware in the meantime other person who were sitting in the car step down and came to us , out of that four persons were clean shaven and two were Sikh persons, to whom we can recognized if come present before me, out of said person set down in our car and other person pointed his country made pistol towards us and asked us to hand over keys of car otherwise they would shoot us, we hand over the keys of car while under fear, they also snatched out wallet from our pockets. out aadhar card, pan card, driving license and other documents were there in our wallets and in the beg which was lying in the car was containing my laptop and two mobile phone no 9650252287 iphone 13 and second Readmi 931963095. One unknown person snatched my beg lying in the car and four person set in our car and ran away towards Pathankot side, we were coming to you for given the informatior , you came to the spot, statement heard which is correct sd Dhruv Groverxxx”

3. Custody Certificate of the petitioner has been produced, which is taken on record.
4. Counsel for the petitioner submits that as per the custody certificate the petitioner has undergone actual custody of 1 year, 1 month and 18 days as under trial. He further relies upon orders dated 25th of May, 2023 passed in CRM-M Nos.16501, 18476 & 10643 of 2023 respectively and that dated 29th of March, 2023 in CRM-M No.4353 of 2023 to submit that apart from the present petitioner all other co-accused stand admitted to

bail in the present FIR. Challan stands presented on 17th of January, 2023 yet despite a year having passed charges have not been framed till date. Thus the trial is going at snail's pace which is not likely to conclude in the near future.

5. Per contra, the bail plea is being opposed by the State Counsel on the ground that the petitioner is a habitual offender having 7 cases under that too under the NDPS Act and has faced one prosecution under IPC as well. However he does not dispute that in all 7 matters the petitioner is on bail as per custody certificate.

6. I have heard counsel for the parties and have gone through records of the case.

7. In view of above, without commenting on the merits of the case, keeping in view the incarceration suffered by the petitioner and the nature of evidence against the petitioner in the present case, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

January 15, 2024
Dpr

(Pankaj Jain)
Judge

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