

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.10166 of 2024

Date of decision: 5th April, 2024

Bijender @ Vijender

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Raman Chawla, Advocate for the petitioner.

Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.881 dated 19.10.2023 under Section 392 of the IPC and Section 25 of the Arms Act, 1959 (Sections 109, 201, 216, 216-A, 120-B, 34 of the IPC as well as Section 25(6) of the Arms Act added later on, however, Section 25(1-B)(a) of Arms Act deleted) registered at Police Station Barwala, District Hisar.

2. Learned counsel for the petitioner had made following submissions on the last date of hearing i.e. 01.03.2024:

“Learned counsel for the petitioner, inter alia, contends that the FIR in question was lodged against unknown persons, who allegedly came to a Petrol Pump on a motorcycle without any number plate and robbed the sales boy at the Petrol Pump on gunpoint of his mobile phone and ₹ 33,740/-. Learned counsel submits that the petitioner

has clean antecedents, which lend credence to his false implication in the case in hand, more so since no suspicion was raised qua his involvement in the crime in question.

On a pointed query put to the learned counsel for the petitioner as to how the petitioner came to be nominated as an accused in the case in hand, he has feigned incomplete instructions in the said regard.”

3. It has been further submitted by learned counsel for the petitioner that charges have been framed by the learned trial Court, however, there is no likelihood of the trial concluding in the near future as none of the 18 witnesses cited by the prosecution have been examined till date.

4. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute the stage of the trial. On a pointed query put to the learned State counsel as to whether the petitioner has any criminal antecedents, he on instructions, has replied in the negative. Learned State counsel has, however, submitted that recovery of ₹3000/- out of the amount looted i.e. ₹33,740/- from the complainant was recovered from the petitioner.

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

6. The trial would take considerable time to conclude. Further incarceration of the petitioner, who admittedly is not involved in any other criminal case much less a case of similar nature, would serve no useful purpose. In the facts and circumstances, as enumerated

hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

April 5, 2024
rps

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