

204+205

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 24.07.2024

(I) CRM-M-11900-2024

ABHISHEK TANDON

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

(II) CRM-M-18864-2024

PRINCE

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

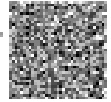
Present:- Mr. Sandeep Singh Jattan, Advocate and
Ms. Pushpinder Kaur, Advocate
for the petitioner(s) in both the cases.

Mr. Gaurav Jindal, Addl. A.G., Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. Both the petitions are taken up together for final disposal with the consent of learned counsel for the parties since both the petitions arise out of the same FIR and the prayer in both the cases is for the grant of regular bail.

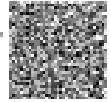
2. Both the petitions have been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioners in FIR No.54



dated 20.01.2022, under Sections 120-B, 302, 34, 473, 201 of the IPC and Sections 25, 27 of the Arms Act, registered at Police Station Mahesh Nagar, District Ambala, Haryana.

3. CRM-M-11900-2024 is a second regular bail petition, whereas CRM-M-18864-2024 is a first regular bail petition and as per the learned counsels for the petitioner in CRM-M-11900-2024, the first regular bail petition was dismissed as withdrawn.

4. Learned counsel for the petitioners submitted that petitioner-Abhishek Tandon is in custody for 2 years, 4 months and 4 days and petitioner-Prince is in custody for 2 years, 1 month and 17 days. He further submitted that there is no direct role attributed to the petitioners and even as per the prosecution story, the only role attributed to the petitioners is that both of them committed recce of the deceased person and thereafter, the other co-accused had killed the deceased-Mohit Rana. He further submitted that so far as both the petitioners are concerned, there is no material available with the police except for the disclosure statement of a co-accused. He further submitted that the petitioners are not habitual offenders and as far as petitioner-Abhishek Tandon is concerned, he is involved in one case under Sections 148, 149, 323, 427, 452 and 506 of the IPC and so far as petitioner-Prince is concerned, he is not involved in any other case. He also submitted that the petitioners have already faced incarceration for more than 2 years and it is a case where even charges have not been framed till date by the learned trial Court and considering the custody of the petitioners, they may be considered for the grant of regular bail.

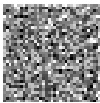


5. On the other hand. Mr. Gaurav Jindal, Addl. A.G., Haryana submitted that so far as the custody of both the petitioners is concerned, the same is correct and it is also correct that both the petitioners are not involved in any other case except for petitioner-Abhishek Tandon, who is involved in one case as aforesaid. He further submitted that charges in the present case have not been framed by the learned trial Court till date. He has however opposed the grant of regular bail to the petitioners on the ground that they have committed offence of the deceased, namely, Mohit Rana and therefore, the matter is serious in nature and they may not be granted the concession of regular bail.

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

7. Both the petitioners are in custody for more than 2 years and they are not involved in any case except for petitioner-Abhishek Tandon, who is involved in one case under the IPC as aforesaid. As per the learned counsel for the parties, till date charges have not been framed by the learned trial Court. Learned counsel for the petitioner-Abhishek Tandon referred to Annexure P-5, vide which one of the co-accused, namely, Shamsheer alias Monu Rana has been granted the concession of regular bail by a Coordinate Bench of this Court on 02.02.2024 although on medical grounds. He also referred to Annexure P-6, vide which another co-accused, namely, Shugam Gupta has been granted the concession of regular bail by a Coordinate Bench of this Court on 27.02.2024.

8. After considering the arguments of the learned counsel for the petitioners, this Court is of the considered view that both the petitioners deserve the concession of regular bail on the basis of their custody and the stage of the trial.



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

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

24.07.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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