

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

217

CRM-M-13085-2024

Date of decision: 02.04.2024

Sagar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Randeep S. Dhull, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.649 dated 02.09.2023 under Sections 115, 120-B, 506 read with Section 34 of the IPC and Section 25 of the Arms Act, 1959 registered at Police Station Kundli, District Sonipat.

2. Learned counsel for the petitioner inter alia contends that there is an unexplained and abnormal delay of 23 days in the lodging of the FIR in question which clearly hints towards a false and fabricated version having been brought forth against the petitioner. While drawing the attention of this Court to the allegations levelled in the FIR which has been reproduced in the body of the petition, it has been further submitted that no doubt the petitioner along with the co-accused was named therein, however, even as per the case of the prosecution there are no allegations that the petitioner and the co-accused either used the

firearms they were allegedly carrying at the time of the occurrence in question or fired towards the complainant. It has been submitted that identically placed co-accused have since been extended the concession of bail after the charges were framed by the learned Trial Court on 22.02.2024. Learned counsel submits that in the circumstances, further incarceration of the petitioner, who has now been in custody since 10.09.2023, would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Inspector Devender, has not disputed that the pistols which the petitioner and the co-accused were allegedly carrying when they entered the shop of the complainant, were not used or fired at the complainant or any other person, however, he submits that the petitioner and the other accused while pointing firearm towards the complainant had threatened him and his son of dire consequences. Learned State counsel has also not been able to dispute that the FIR in question was lodged after 23 days of the alleged occurrence.

4. On a pointed query put to the learned State counsel as to whether the case of the petitioner was at par with co-accused Harish, who had since been enlarged on bail, he, on instructions has submitted that admittedly both the petitioner and co-accused Harish had been attributed identical roles in the occurrence in question and there was one case under the Arms Act pending against co-accused Harish also. Learned State counsel has on instructions also not disputed the stage of trial and has further submitted that as many as 25 witnesses have been cited by the prosecution; the next date fixed before the learned Trial

Court is today when recording of prosecution evidence is likely to commence.

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

6. In the facts and circumstances as enumerated hereinabove, particularly the role attributed to the petitioner in the occurrence in question, his further incarceration would serve no useful purpose as not only the investigation is complete but even charges stand framed and the trial will take considerable time to conclude as 25 witnesses have been cited by the prosecution. This Court, therefore, deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

02.04.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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