



CRM-M-14442-2024

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-14442-2024
Date of Decision: 08.05.2024**

Ajay @ Situ

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. N.K. Chhokar, Advocate,
for the petitioner.

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

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a third petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.90 dated 16.02.2021, under Section 379-B & 34 IPC and Section 25 of the Arms Act, 1959 (Sections 392, 397 & 201 IPC added later on), registered at Police Station Samalkha, District Panipat, Haryana.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for 3 years and 2 months and till date only 4 witnesses have been examined. He further submitted that earlier also the petitioner filed two bail petitions, out of which, one was dismissed as withdrawn vide Annexure P-4 on 10.11.2022 and another one was dismissed on merits vide Annexure-5 on 28.07.2023. He submitted that at that point of time, the custody of the petitioner was less but now his custody is about 3 years and 2 months and



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therefore, he may be considered for grant of regular bail. He also submitted that the other co-accused, namely, Rajat @ Dhola and Ajay @ Chota have already been extended the benefit of regular bail vide Anenxures P-2 & P-3, respectively. He further submitted that although the petitioner is involved in some more cases but considering his custody, he may be considered for grant of regular bail.

3. On the other hand, Mr. Gaurav Jindal, learned Addl. AG, Haryana has vehemently opposed the grant of regular bail to the petitioner on the ground that it is a case where the petitioner along with the other co-accused had not only snatched Rs.3,000/- and one mobile but also a car on gun point from the complainant. While referring to the custody certificate of the petitioner, which has been filed in Court today, he submitted that the petitioner is a habitual offender and is involved in 10 more cases of similar nature. He further submitted that there is a strong apprehension that in case the petitioner is released on regular bail, then he may not only abscond or flee from justice but may also repeat the offence and therefore, has prayed for dismissal of the present petition. He also submitted that the petitioner cannot be stated to be at parity with the aforesaid co-accused, who have been granted the regular bail, because as per the orders of the aforesaid co-accused, they were involved in three more cases but the same were not of similar nature and so far as the present petitioner is concerned, he is a habitual offender and similar kind of cases are registered against him and in case he is released on bail, then there is every likelihood that he may repeat the offence. He also submitted that when the earlier bail petition was



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dismissed, the aforesaid ground taken by the petitioner pertaining to parity was also considered and this Court had held that the petitioner is not at parity with the aforesaid co-accused and therefore, has opposed the grant of bail to the petitioner.

4. I have heard the learned counsels for the parties.
5. The custody of the petitioner has come out to be 3 years and 2 months. Learned counsel for the petitioner has taken a ground of parity with the aforesaid co-accused, who have been extended the benefit of regular bail vide Annexures P-2 & P-3 respectively. When the earlier bail petition was dismissed on merits by this Court on 28.07.2023, the aforesaid issue was also discussed by this Court and it was held that the petitioner is not at parity with the aforesaid co-accused considering the number of cases against him. Not only the number of cases against the petitioner is a relevant factor but also the nature of allegations against him, his role in the present case and also the gravity and magnitude of the offences involved is relevant, therefore, this Court is of the view that the petitioner does not deserve the concession of regular bail.
6. Consequently, the present petition is hereby dismissed.
7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

08.05.2024

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |