

2024:PHHC:042919
239 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14382-2024
Date of Decision: 01.04.2024

GAGAN GROVER ALIAS HIMANSHU ALIAS HIMANSHU
LOHARA

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Narinder Singh Dadwal, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J.(ORAL)

1. Prayer in this petition is for grant of regular bail to the petitioner in the case bearing FIR No. 0309 dated 09.11.2022 under Sections 436/120-B IPC, later on offence under Section 427 IPC was also added, registered at Police Station Sahnewal, District Police Commissionerate Ludhiana.
2. Custody certificate has been filed. The same is taken on record.
3. As per the allegations levelled in the FIR, the car belonging to the complainant was put on fire on 20.10.2022 at 3:30 P.M. It was alleged by the complainant that the act was done by Vivek Pandey @ Raja, Ayush Bahaman, Himanshu Lohara, Ram Dayal and Ramesh in connivance with each other.
4. Counsel submits that Ayush Brahman @ Ayush Mishra stands admitted to pre-arrest bail vide order dated 16.11.2023 passed in CRM-M-45921-2023 and Vivek Kumar Pandey @ Raja also stands admitted to pre-arrest bail vide order dated 22.03.2023 passed in CRM-M-60148-2022.

Ram Dayal and Ramesh have also been granted regular bail vide order dated 31.07.2023 passed in CRM-M-35711-2023. He further submits that the petitioner is not named in the FIR. There is unexplained delay of 20 days in registration of FIR and the persons named in the FIR also stand admitted to bail.

5. Learned State counsel is not in a position to dispute the aforesaid fact but submits that 11 more cases have been registered against the petitioner. He being habitual offence is not entitled for bail.

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

7. As per the custody certificate, the petitioner has undergone actual custody for a period of 02 months and 20 days in the present case.

8. Without commenting on the merits of the case and keeping in view the incarceration suffered by the petitioner; the fact that the persons named in the FIR stand released on bail and FIR was registered after inordinate and unexplained delay of 20 days, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

01.04.2024
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(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No