

[245] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17558-2024
Date of Decision : 16.04.2024

Manish ...Petitioner
versus
State of HaryanaRespondent

Coram : **HON’BLE MR. JUSTICE PANKAJ JAIN**

Present : Ms. Pushpinder Kaur, Advocate for the petitioner.
Mr. Ramesh Kumar Ambavta, AAG, Haryana.

PANKAJ JAIN, J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.15 dated 14.01.2022 registered for the offences punishable under Sections 34 and 387 of the Indian Penal Code, 1860 at Police Station Ambala City, Distirct Ambala.

2. As per the contents of the FIR, it was alleged as under:-

“To The Incharge, police post No.3 Ambala City, Respected Sir, it is requested that I Gulshan Kumar son of Sh. Darshan Lal resident of House No.4078/2 Katrwada Ambala City. We are two brothers, my younger is Chander Bhushan, who reside after 5 to 6 house from my house, at about 11:25 in night dated 13.01.2022 I received a call on my mobile No.9416024122 from unknown mobile no. 8221815881 and said that Pardhan Ji, I am Challa speaking, I need money, I said who is speaking, he replied that you are Gulshan, after saying yes by me he said I am Cholla from H gang Mafia, coming to your home, when I said I did not recognize you, he said I fired shots at Darjia

Chownk and Manav Chowk and I am from Bhupi Rana gang, after some time he along with his companion reached outside the house of my brother Chander Bhushan and my brother's door was closed, who said from inside that Gulshan was not at home, has gone out, they called me by presuming house of my brother Chander Bhushan as my house, my brother saw from net door that two boys were standing outside, those boys said come outside, my brother refused to open the door, at that time my brother told me all this, cholla went away by saying abusive, Cholla's real name is Manish Handa, who is resident of Kaziwada, Cholla has threaten to kill me on phone and demanded money which is illegal. Legal action be taken against them. Sd/ Gulshan Kumar son of Sh. Darshan Lal resident of house no. 4078/2 Katrwada Ambala City. Phone No.94160-24122, Police proceedings XXXXX ”

3. As per the prosecution, it was the petitioner, who threatened the complainant from the mobile of Vijay Kumar, co-accused. Petitioner is behind bars for more than 02 years and 03 months. Offences are triable by the Magistrate. Petitioner has already undergone 02 years and 03 months of actual custody. Co-accused, Vijay Kumar, stands admitted to bail vide order dated 21.02.2024 passed in CRM-M-38239-2023 and only 05 out of 13 witnesses have been examined; that the trial is not likely to conclude in the near future.

4. However, learned State Counsel opposes the bail, while referring the criminal antecedents of the petitioner, alleging that he has multiple cases pending and does not deserve to be released on regular bail.

5. Faced with the situation, learned counsel for the petitioner relies upon the observations made by Hon’ble the Supreme Court in ‘Prabhakar Tiwari versus State of U.P.’, 2020(11) SCC 648.
6. I have heard learned counsel for the parties and have gone through the record of the case.
7. Keeping in view of the long incarceration of the petitioner but without commenting anything on the merits of the case, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/Duty Magistrate, concerned.
8. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

16.04.2024
'R. Sharma'

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