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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-22047-2023  
Date of Decision: 24.10.2024

Ram Avtar @ Raman

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:-. Mr. D.S. Virk, Advocate  
for the petitioner.

Mr. Gaurav Bansal, DAG Haryana

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KIRTI SINGH, J.(Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.20 dated 13.01.2023, under Sections 25(1B)(a), 25(1B)(c), 54 and 59 of Arms Act registered at Police Station HTM, District Hisar.

2. The facts of the present case are that allegedly during patrolling duty on 13.01.2023, the police party apprehended the petitioner and recovered .315 bore country made pistol from him.

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case and he has been in custody since 13.01.2023.

Learned counsel submits that ten more cases have been registered against the

petitioner and he is on bail in all the cases. He further submits that charges have



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been framed on 17.04.2023 and out of 09 prosecution witnesses, 06 prosecution witnesses have been examined.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. As per the custody certificate, the petitioner has undergone actual custody of 07 months and 18 days. He further submits that there are ten more cases registered against the petitioner, however, in all cases he is on bail. He further submits that the charges in the present case were framed on 17.04.2023 and out of 9 prosecution witnesses, 06 prosecution have been examined. He, however, submits that there are serious allegations against the petitioner and he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. As regards the submission of learned State counsel that petitioner is involved in ten more criminal cases, reference is placed upon the judgment of the Hon'ble Supreme Court in **Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

*“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”*

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7. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, the charges were framed and 06 prosecution witness have been examined till date. The petitioner has undergone actual custody of 07 months and 18 days. Therefore, this Court is of the view that further incarceration of the petitioner would not serve any purpose.

8. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and order dated 28.08.2023 is made absolute. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which she is suspected.
- (v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

10. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed



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independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(KIRTI SINGH)  
JUDGE

24.10.2024  
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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |