



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

224

CRM-M-25829-2024

Date of Decision : **August 12, 2024**

PARMOD ALIAS PAMMI

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. H.P.S.Ishar, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.442 dated 8.11.2018, Under Sections 307, 332, 353, 399, 402, 420, 467, 468, 471 IPC and under Sections 25 and 27 of the Arms Act, registered at Police Station Murthal, Sonapat.

2. The petitioner was arrested by the police at the spot after brief exchange of fire shots between the accused and the police and the allegations against the petitioner are that he alongwith other co-accused, were preparing for committing dacoity. The instant FIR, was registered on a secret information. The gist of the allegations as recorded by the learned Additional Sessions Judge concerned while declining the relief of regular bail reads as under:-

“As per prosecution case, a secret information was received by Inspector Ajay Incharge, CIA Staff, Sonipat to the effect that Krishan alias Gatha, Pawan alias Pona, Neetu alias Sita, Malha, Parmod and some other persons are present in a Kothra in a brick kiln in the area of Kumaspur armed with sophisticated weapons. They are also having one Fortuner and Careta Car and are planning to commit robbery and in case a raid is conducted, they can be apprehended. Accordingly, raid was conducted and miscreants started firing at the police party and Constable Amit got injured. Thereafter, persons present inside Kothra and above it tried to run away but were apprehended. One Rifle 30 bore was recovered from accused Pawan alias Pona alongwith thirteen live cartridges. One pistol 9 MM was recovered from accused Krishan alias Gatha alongwith eight live cartridges. One 12 bore gun was recovered from accused Parmod alias Pammi alongwith ten live cartridges. One 32 bore pistol was recovered from accused Neetu alias Nita alongwith six live cartridges. One 32 bore pistol was recovered from accused Ravinder alias Golu alongwith four live cartridges and two empty cartridges. One 32 bore revolver was recovered from accused Ravinder alias Bori alongwith four live cartridges and two empty cartridges. One country made pistol 32 bore was recovered from accused Pawan son of Phalu Singh alongwith five live cartridges. One carbine 9MM was recovered from accused Mahipal alias Malha alongwith nine live cartridges. One pistol 315 bore was recovered from accused Amit alias Mota alongwith one empty cartridge. One country made pistol 315 bore was recovered from accused Sunil son of Dilbaghg. One country made revolver 455 bore was recovered from accused Dinesh son of Jagdish alongwith four live cartridges. Accused could not produce any permit or license A sum of Rs.5,10,000/- was found lying in Fortuner Car and a sum of Rs.5.13,000/- was found lying in Careta Car. Accused suffered disclosure statements that both vehicles have been looted by them which were bearing fake number plates Cars alongwith currency notes were also taken into police possession. On 08.11.2018, accused Ram Karan was arrested. On 16.11.2018, accused Krishan alias Gatha was arrested. On 18.11.2018, accused Parmod alias Pammi was arrested After completion of investigation, challan was present in the Court.”

3. Learned counsel for the petitioner in the asking for the relief (supra) submits that he is at parity with co-accused Sunil, and Pawan @ Pona, who have been granted the relief of regular bail by a co-ordinate Bench of this Court vide order dated 13.5.2024 (Annexure P-4). He further submits that the other co-accused Krishan @ Gatha was also extended the relief of regular bail by a co-ordinate Bench of this Court vide order dated 9.5.2023 (Annexure P-3). Finally, he submits that he has suffered incarceration of about 5 years and 9 months as on today.

4. The learned State counsel has opposed the grant of regular bail to the petitioner, by submitting that the petitioner is a habitual offender and he is facing trial in two other cases, out of these cases, one pertains to offence under Section 302 IPC. He further submits that total 11 accused have been arraigned in the instant FIR and so far as the petitioner is concerned, the final report has been filed way back on dated 28.1.2019 and the charges were framed on dated 23.7.2021 and out of two 27 cited witnesses, only 7 have been examined till date. He has also placed on record the custody certificate *qua* the petitioner, which reflects that the petitioner has suffered incarceration of 5 years 8 months and 24 days as on today.

5. Considering the days of incarceration and the stage of the trial which is yet to reach half way and the fact that the petitioner is at co-pedestal with co-accused, who have already been granted the relief of regular bail by a co-ordinate Bench of this Court vide Annexures P-3 and P-4 respectively, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.



6. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.
7. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.
8. It is made clear that in case in future the petitioner is found involved in any criminal case, the prosecution is at liberty to move an appropriate motion seeking cancellation of bail granted by this Court.

August 12, 2024
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(KULDEEP TIWARI)
JUDGE

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