

201

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26942-2023
Date of decision: 09.01.2024

ANKIT @ PARVEEN @ CHETA

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Atul Lakhanpal, Senior Advocate with
Mr. Arvinder Singh Grover, Advocate
for the petitioner.

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

Mr. Ashwani Gaur, Advocate
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a third petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.119 dated 13.03.2018, under Sections 302, 307, 216, 109, 120-B read with Section 34 of the IPC and Section 25 of the Arms Act, registered at Police Station Badshahpur, District Gurugram, Haryana.

2. Learned Senior Advocate appearing on behalf of the petitioner submitted that the petitioner is in custody for about 5 years and 4 months and only 9 prosecution witnesses out of total cited 48 prosecution witnesses have been examined till date. He further submitted that earlier also the petitioner had filed a bail petition before this Court which was dismissed on 30.11.2022 vide

Annexure P-6 and thereafter, more than one year has elapsed and now the custody of the petitioner comes out to be about 5 years and 4 months. He also submitted that even otherwise also, as per the status report which has been filed by the State in the present case, it has been so stated therein in para No.10 that the role of the petitioner was that he was involved in the conspiracy to commit the present crime and after the commission of the present crime, one of the co-accused, namely, Narender @ Teelu had handed over the pistol to the petitioner which was recovered from him. He further submitted that even as per the prosecution story, the petitioner did not commit any overt act and the allegation against him was that he was handed over the pistol by the aforesaid co-accused after the commission of the offence. He further submitted that although the petitioner is involved in 10 more cases but he has been acquitted in 6 of the cases. He also submitted that the petitioner has been falsely implicated in the present case only because of the reason that earlier he was involved in some cases and the present case has been planted upon the petitioner by the police and wrongful recovery of pistol has been shown from him. He further submitted that be that as it may, now the custody of the petitioner is about 5 years and 4 months and on the ground of long custody, he is entitled for the grant of regular bail. He has referred to Annexure P-3, wherein co-accused, namely, Anshul has been extended the benefit of regular bail by this Court on 16.12.2021.

3. On the other hand, Mr. Gaurav Jindal, Addl. A.G., Haryana submitted that it is correct that the petitioner is in custody for about 5 years and 4 months and it is also correct that as per the affidavit filed by the Assistant Commissioner of Police, Badshahpur, Gurugram dated 06.11.2023, the role of

the petitioner pertains to conspiracy and he was handed over the pistol by aforesaid co-accused, namely, Narender @ Teelu after the commission of the offence. He has however opposed the grant of regular bail to the petitioner on the ground that the petitioner is a habitual offender and is involved in as many as 10 more cases.

4. Learned counsel for the complainant has also opposed the grant of regular bail to the petitioner on the ground that the petitioner is a habitual offender and he was present on the spot on a motorcycle. He submitted that even if the petitioner is involved on the basis of conspiracy, then also he is not entitled for grant of regular bail because there is a likelihood that in case he is released on bail then he may repeat the offence and may even influence the witnesses.

5. I have heard the learned counsel for the parties.

6. It is a case where the petitioner is in custody for about 5 years and 4 months. One of the co-accused, namely, Anshul has already been extended the benefit of regular bail by this Court vide Annexure P-3. As per the status report filed by the State, only 9 prosecution witnesses out of total cited 48 prosecution witnesses have been examined till date and the role of the petitioner was of conspiracy and he was handed over the illegal pistol by the aforesaid co-accused after the commission of the offence. During the course of arguments, the learned Senior Advocate appearing on behalf of the petitioner submitted that out of 10 cases registered against the petitioner, he has already been acquitted in 6 cases.

7. After hearing learned counsel for the parties, this Court is of the view that considering the long custody of the petitioner and the fact that

only 9 prosecution witnesses have been examined till date, the petitioner deserves the concession of regular bail.

8. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

9. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

09.01.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No