



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-26634-2024

Date of Decision:-27.08.2024

Anuj @ Arun @ Baba.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Sandeep Gahlawat, Advocate for the Petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.201 dated 07.10.2020 under Section 302, 120-B, 379, 34, 201 IPC and Section 25 of the Arms Act, registered at Police Station Dujana, District Jhajjar.

2. The present FIR came to be registered on the statement of Badaru and reads as under:-

“ Stated that I am resident of above mentioned address and after being retired from Army I am working as an agriculturist. Today i.e. on 07.10.2020 at about 07.00 P.M., I received an information that four unknown boys have given fire shots to my nephew Shakti son of Bhim Singh and above Shakti is lying in the ground. Upon receiving this information, I reached in the Guhi playground where Shakti was found in injured condition and there were many fire arm injury on his



person. I arranged the vehicle and took Shakti at PGIMS Rohtak but he succumbed to injuries on the way. Shakti is son of real Mausai/Aunt of Neeraj Bawana. Due to this grudge four unknown boys have killed Shakti after firing shots upon him. Legal action be taken against unknown boys. I have got recorded my statement, heard and the same is correct.

Sd/- Badaru Kumar
Attested by SI Surender Kumar
In-charge Police Post Dighal,
Dated 07.10.2020 "

3. That after conclusion of the investigation, the final report under Section 173 Cr.PC qua the accused Kunal, Harsh and Ashok was submitted before the Court of competent jurisdiction on 30.04.2021, qua the accused Rinku @ Sultan @ Bhainga on 15.07.2021, qua the present petitioner namely Arun @ Baba on 07.10.2021, qua the accused Harsh @ Gaurav @ Monti on 05.01.2022, qua the accused Abhishek @ Shekhu on 21.09.2022 and qua the accused Neeraj on 14.03.2023.

4. The learned counsel for the petitioner contends that the petitioner was arrested on the basis of the disclosure statement of his co-accused while he was in custody in another case. The weapon recovered from him did not match the weapon allegedly used in the offence in question. None of the prosecution witnesses had identified the petitioner as an assailant. As the petitioner was in custody since 09.07.2021, but only 11 of the 46 Pws had been examined so far, the trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. The Counsel for the State on the other hand while referring to the reply dated 23.07.2024 contends that the petitioner was a habitual offender with multiple cases registered against him. He was a member of



CRM-M-26634-2024 #3#

the Ashok Pardhan Gang which was operating in Delhi-NCR region. In case he was granted the concession of bail, there was every possibility of him intimidating the witnesses. Therefore he was not entitled to the concession of bail. He however, concedes that the case was based on circumstantial evidence, that the petitioner was in custody since 09.07.2021 and that only 11 of the 46 Pws had been examined so far.

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

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 09.07.2021 but only 11 of the 46 Pws have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Anuj @ Arun @ Baba** son of Sh. Sanjay is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in the reply dated 23.07.2024 filed by the State.

10. If the petitioner or any of his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this Court.

11. The petitioner (or anyone on his behalf) shall prepare an FDR in



CRM-M-26634-2024 #4#

the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

12. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 27, 2024
Vinay

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