

CRM-M-27913-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(206)

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Date of decision:- 01.07.2024

Shankar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rishu Garg, Advocate
for the petitioner.

Mr. Sharad Aggarwal, DAG, Haryana
for State-respondent.

SUVIR SEHGAL, J. (ORAL)

1. This is the fifth petition filed under Section 439, Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
0099	28.02.2021	City Tohana, District Fatehabad	398 and 401, IPC and Section 25 of the Arms Act, 1959 (later on Sections 379 and 411, IPC were added)

2. Case of the prosecution is that FIR, Annexure P-1, has been registered on the statement of ASI, Om Parkash on the allegation that on 28.02.2021, he received secret information that three boys carrying weapons were standing on Tohana-Hisar road with the intention of looting commuters. When the complainant along with other police officials reached the spot, one of the accused signaled them to stop with a torch light. One

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young boy, who was carrying a pistol, came forward and hit the bonnet of the vehicle with his fist. He pointed a pistol at the complainant exhorting him to hand over all his belongings. All the three accused were apprehended. Recovery of pistol was effected from the petitioner as well as from Arun @ Annu. Recovery of iron rod and battery was made from the third accused.

3. Counsel for the petitioner contends that the petitioner, who has clean past, has been falsely implicated and the incident as alleged never took place. He urges that some of the prosecution witnesses, who have been examined, have not been able to prove the case of the prosecution. He asserts that the petitioner, who is in custody since 01.03.2021, deserves to be enlarged on bail as there is a remote possibility of an early conclusion of trial.

4. *Per contra*, State counsel, upon instructions from ASI, Harpal Singh, has opposed the petition by submitting that the petitioner is accused of a serious offence. He has filed Custody Certificate dated 29.06.2024, which is taken on record and could not dispute that the petitioner has a clean past. As per his instructions, ten out of seventeen prosecution witnesses have been examined.

5. I have heard counsel for the parties and considered their respective submissions.

6. An accused is deemed to be innocent till the time he is proved guilty after trial. He cannot be kept in detention for an indefinite period to await the conclusion of the trial, which is pending for the last more than



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three years. Noticing the long incarceration of the petitioner, the nature of allegation levelled against him and his clean antecedents, this Court is of the view that he deserves to be released on bail during the pendency of the trial.

7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

8. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

01.07.2024
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No