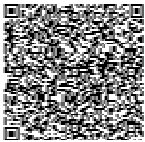


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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.210

CRM-M-30956-2024 (O&M)
Date of decision : 03.09.2024

Ansar Petitioner

VERSUS

State of Haryana Respondent

CORAM: HON’BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Afjal Hussain, Advocate and
Dr. Kirandeep Kaur, Advocate, for the petitioner.

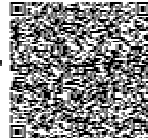
Mr. Gaurav Bansal, DAG, Haryana.

KIRTI SINGH, J. (Oral)

1. 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.36 dated 04.02.2020, under Sections 302 & 397 of IPC (Section 201 IPC and Section 25 of the Arms Act, 1959 added later on), registered at Police Station Punhana, District Nuh.

2. Succinct factual narrative relevant for the disposal of the instant petition is that FIR No.36 dated 04.02.2020, under Sections 302 & 397 IPC was registered at Police Station Punhana on the basis of complaint of Ved Prakash Soni with the allegations that on 04.02.2024 at about 6-6:15 p.m., some unknown persons committed murder of his father namely Govind Ram Soni (since deceased) by some weapons and snatched valuable ornaments and fled away. Later on, during the course of investigation, Section 25 of the Arms Act, 1959 was also added.

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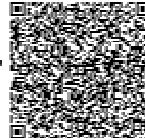


3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case and has not been named in the FIR. It has been further argued that after the arrest of the petitioner nothing has been recovered from him. There is no material on record to connect the petitioner with the commission of crime, except the disclosure statement, which is inadmissible in evidence. He further submits that the petitioner has undergone actual custody of 04 years, 06 months and 23 days and further detention of the petitioner will not serve any purpose.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. As per the custody certificate which has been taken on record, the petitioner has undergone actual custody of 04 years, 06 months and 23 days and there is another case viz. FIR No.64 dated 10.02.2020, under Sections 398 & 401 IPC and Sections 25, 54 & 59 of the Arms Act, 1959 registered against the petitioner, in which, he has been convicted and sentenced for a period of 02 years. He on instructions from the concerned investigating officer submits that all the 31 prosecution witnesses have been examined and now the trial is near completion.

5. Learned State counsel has further argued on the basis of status report that the co-accused Akram @ Dhakelu was also taken on production warrant and during the course of interrogation, Akram @ Dhakelu suffered disclosure statement vide which he admitted his involvement in the occurrence of the present case and specifically disclosed that he along with his co-accused (the present petitioner) looted a bag full of ornaments from

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Govind Ram and on checking the bag, 1.5-2 kg. silver, gold ornaments and Rs,11,000/- in cash was found. He distributed the silver 500 grams to each person and he took gold ornaments with him and gave Rs.2,000/- to three of them and kept Rs.5,000/- for himself. He further disclosed that he had already got recovered a country made pistol in case FIR No.64 of 2020, Police Station Nuh. Further, during the course of investigation, CCTV footage of the occurrence from a CCTV camera installed in a nearby shop was received. Further, the location of the mobile number issued in the name of Akram @ Dhakelu was found to be at village Punhana, Tehsil Punhana, District Mewat at the time of the occurrence. Learned State counsel further submits that the present petitioner is the main accused who fired upon the deceased and as per the FSL report, the bullet extracted from the body of the deceased was fired from the recovered country made pistol.

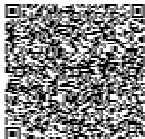
6. Heard the rival submissions made by learned counsel for the parties.

7. Admittedly, the petitioner has undergone actual custody of 04 years, 06 months and 23 days and there is another case registered against him. There are serious allegations leveled against the petitioner. All the 31 prosecution witnesses have been examined before the learned trial Court and thus, it is apparent that the trial is progressed and is at advanced stage and is nearing conclusion.

8. Recently, the Hon'ble Supreme Court in **Criminal Appeal No.1511 of 2024 titled as Dablu Kuju Vs. State of Jharkhand decided on 12.03.2024**, observed as under:-

“The appellant-accused, by way of the present appeal has challenged the impugned judgment and order dated

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17.01.2023 passed by the High Court of Jharkhand at Ranchi in B.A. No.11895 of 2022, whereby the High Court has dismissed the said application seeking his release on bail in respect of the FIR being Sukhdeonagar P.S. Case No.-238/2022 dated 30.05.2022 registered for the offences under Sections [302](#), [120B/34](#) of IPC and Section [25](#)(1-B) A/26/27/35 of the Arms Act.

3. During the course of arguments, it was apprised to the Court that the trial is at the fag end and almost all the witnesses have been examined by the prosecution except one witness.

4. In view of the above, we are not inclined to release the appellant on bail, more particularly, when the trial is at the fag end.”

9. Keeping in view the gravity of the offence and without commenting upon the merits of the case, this Court is of the considered view that at this point of time when the trial is nearing conclusion no case is made out for grant of regular bail to the petitioner. Accordingly, the present petition is dismissed.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

03.09.2024
Ramandeep Singh

Whether speaking / reasoned

Yes/No

Whether Reportable

Yes/No