



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

243

CRM-M-31542-2024

Date of decision: August 27th, 2024

Pardeep

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. D.P.S. Bajwa, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, Assistant Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed by the petitioner seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.318 dated 20.09.2022 under Sections 34/392 of the IPC (Section 392 deleted and Sections 397, 34, 120-B, 201 of the IPC and Section 25 of the Arms Act, 1959 added later on) registered at Police Station Bhuna, District Fatehabad.

2. Learned counsel for the petitioner submits that after the withdrawal of the previous petition under Section 439 of the Cr.P.C. on 08.01.2024, the trial had not made much headway as none of the 25 prosecution witnesses had been examined till date. It has been further submitted that in the FIR in question, which has been annexed as Annexure P-1, neither was the petitioner named nor any suspicion raised qua his involvement in the alleged crime. It has been submitted that since the petitioner has now been in custody for almost two years having been

arrested on 28.09.2022, his further incarceration would serve no useful purpose as the trial would take considerable time to conclude.

3. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by counsel opposite. Learned State counsel, on instructions, has submitted that the petitioner is a man of criminal antecedents. In support, he has placed on record the custody certificate of the petitioner. He submits that the petitioner was on bail in the three other criminal cases, which are of identical nature, when he yet again participated in the crime in question. It has been submitted by the learned State counsel that in fact, the petitioner is the mastermind behind the occurrence in question. He submits that the petitioner is the person, who not only provided the motorcycle to the co-accused, which was then used by them for going to the place of occurrence but even the weapon of offence i.e. .32 bore pistol was also provided to the co-accused by the petitioner; furthermore, the petitioner along with co-accused Deepak did a recce soon before the occurrence in question and thereafter, when the crime in question was committed, the proceeds of crime were shared by all the accused at the house of the petitioner himself, leading to a recovery of ₹1,48,000/-, a motorcycle and a countrymade pistol at the instance of the petitioner. Learned State counsel has thus, argued that it is evident that the petitioner has misused the concession of bail, which had been given to him in the other criminal cases pending against him and in case the petitioner was granted the concession of bail, he could yet again be involved in some other crime and there was a strong possibility that he could even intimidate the witnesses. A prayer has, therefore, been made for dismissal of the present petition.

4. I have heard learned counsel for the parties and perused the relevant material on record.
5. Before proceeding further, it would be apposite to reproduce the FIR, which is as under:-

“It is submitted that I Hardyal Singh son of Pritam Ram is permanent resident of Kalyan Nagar Tohana and doing the job of sales man at Krishan Lal Bhajan Lal Patrol Pump Fatehabad road Bhuna. Today on 20.09.2022 at around 2:45 PM, I was going on Motorcycle to deposit the cash amount of Rs. 3,10,000 from the Petrol Pump to SBI Bank Bhuna. When I was reached at Dhani Sanehla Road to kat Bhuna, then behind me two young boys came on Motorcycle Suplender plus without number and they covered his face with cloth. The boy setting behind the Motorcycle, he is having pistol and suddenly got down from the bike and came from me and pointed the pistol and snatched a bag full of money which contained Rs. 3,10,000/- & cash vouchers and both the boys ran away from the spot on his bike. To be verify about the unknown boys and legal action may kindly taken against him and cash may kindly be got recovered. I shall be highly thankful to you.”

6. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to accept the prayer of the petitioner and enlarge him on bail.
7. The instant petition stands dismissed.
8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

August 27th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No