

CRM-M-38411-2024-1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

210CRM-M-38411-2024Date of decision:13.08.2024

ARUN ALIAS ANNU... PETITIONER

VERSUS

STATE OF HARYANA... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Kuldeep Singh Siwach, Advocate for the petitioner.

Mr. Aman Bahri, Addl. A.G., Haryana.

SUVIR SEHGAL J. (ORAL)

1. This is the 3rd petition filed by the petitioner under Section 483 of B.N.S.S. for grant of regular bail in:-

FIR No.	Dated	Police Station	Sections
99	28.02.2021	City Tohana, District Fatehabad	398 and 401, IPC, 1860, and Section 25 of the Arms Act, 1959 (Sections 379 and 411, IPC were added, later on)

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 young boy, who was carrying

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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 co-accused Shankar. Recovery of iron rod and battery was made from the third accused.

3. Counsel for the petitioner contends that the petitioner 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 supported 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, learned State counsel, upon instructions, has opposed the petition by submitting that the petitioner is accused of a heinous offence. He has filed custody certificate dated 12.08.2024 to submit that although petitioner has been acquitted in three criminal cases, but stands convicted in the fourth case lodged against him under Sections 379 and 511, IPC. As per his instructions, 09 out of 17 prosecution witnesses have been examined.
5. Countering his submission, counsel for the petitioner has made a reference to interim order dated 01.08.2024 passed by the Trial Court to submit that 10 prosecution witnesses have been examined. He submits that the petitioner has already undergone the sentence in the criminal case, in which, he was acquitted.



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- 6. I have heard counsel for the parties and considered their respective submissions.
- 7. Petitioner has been in detention for the last more than 41 months and trial is barely halfway through. There is a remote possibility of its early conclusion. No doubt, the petitioner has been convicted in another criminal case, but that cannot be a ground to deny concession of bail.
- 8. Without adverting to the rival arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
- 9. While being released on bail, petitioner shall furnish an undertaking by way of an affidavit to the effect that he will not get involved in any criminal activity. In case, the petitioner violates the undertaking, State shall be at liberty to seek cancellation of bail.
- 10. Any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

13.08.2024
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(SUVIR SEHGAL)
JUDGE

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