



CRM-M-38595-2024

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

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CRM-M-38595-2024

Date of Decision : **September 12, 2024**

MAHESH ALIAS MUNDI

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms. Apoorva Arya, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.0249 dated 7.8.2020 under Sections 379-B, 34 IPC and Section 25 of the Arms Act (Section 25 of the Arms Act, 1959, Sections 379-B and 34 IPC deleted, Sections 395, 397, 412, 120-B IPC and Section 27 of the Arms Act added lateron), registered at Police Station Khedki Daula, District Gurugram.

2. The police agency on 7.8.2020, after receiving message from the police control room, Gurugram, reached at the spot, where one Sanjay Kumar son of Dharampal, got recorded his statement to the effect that two boys, who were carrying country made pistol, had snatched his car and there was one more person behind his car, who was on motor cycle. On the basis



of the above statement, the instant FIR has been registered. Thereupon, on secret information, accused Pawan @ Kalu and Mohit were arrested on dated 17.9.2023 and till date 9 persons have been arraigned as an accused in the FIR (supra) and out of these 9 accused, 1 accused is stated to have been died during the pendency of the instant FIR. The petitioner was also arrested, however, no recovery was effected from the present petitioner.

3. Learned counsel for the petitioner in the asking for the relief (supra) submits that Mohit and Pawan @ Kalu, who are on co-pedestal of the petitioner have already been extended the relief of bail by the learned trial Court concerned. She further submits that the petitioner has suffered incarceration about 10 months and 11 days as on today and in the trial, the complainant has already been examined, who did not identify the petitioner as one of the accused involved in the present crime, therefore, there is bleak chance of the petitioner to be convicted in the instant case.

4. The learned State counsel has vociferously opposed the grant of regular bail to the petitioner on the ground that he is habitual offender as he is involved in 6 other cases. He further submits that earlier final report was filed on dated 13.12.2023 and thereupon after the arrest of one more accused, supplementary report was filed on dated 22.2.2024 and now the fresh charges are to be framed in view of the supplementary report.

5. Considering the incarceration suffered by the present petitioner and the allegations against him and in view of the above facts and circumstances recorded above, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

6. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.
7. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

September 12, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No