

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M-46761 of 2023(O&M)
Date of Decision: 16.01.2024

Rajesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr.Sagar Aggarwal, Advocate
For the petitioner.

Mr. Vishal Kashyap, DAG Haryana.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner seeking grant of regular bail in criminal case having FIR No. 389 dated 15.08.2020, registered under Sections 285, 393, 341, 392, 394, 506 read with Section 34 IPC and Section 25 of Arms Act at Police Station Ghauranda, District Karnal.

2. The allegations in nutshell are that on 14.08.2020 Vikas, Satish Kumar and two other persons came to *dhaba* of complainant Dharampal in a black car and all of them were armed with weapons and they pointed the same towards complainant and asked him to hand over the entire cash on which the complainant said that there is no cash. On this, one of the accused pushed the complainant away and then opened the counter and in the meantime Vijay nephew of the complainant tried to resist but the accused forcibly took Rs. 60,000/- from the counter and accused gave blow of pistol *butt* on the person of Vijay and the accused also snatched gold chains from complainant and his nephew and they also threatened the workers who were

present in *dhaba* and the accused also fired in air and then left the spot.

During investigation, the present petitioner was nominated as accused and was arrested by the police on 02.06.2023 and cash worth Rs.20,000/- was recovered from his possession.

3. The counsel for the petitioner submits that the petitioner was falsely implicated in the present case and is in custody since 02.06.2023 and it will take considerable time for the trial to conclude and further co-accused who was named in the FIR was enlarged on bail vide order dated 13.09.2022 (Annexure P-2). So, prayer is made that the petitioner be released on regular bail.

4. The present petition is resisted by the State counsel who submits that the petitioner is having criminal history and he actively participated in the occurrence which took place on 14.08.2020. However, the State counsel has not disputed the fact that the trial is yet to commence and further no weapon was recovered at the instance of the petitioner and that co-accused Vikas who was named in the FIR is granted bail by this Court vide order Annexure P-2.

5. I have considered the submissions made by counsel for the parties.

6. Admittedly, the petitioner was not named in the FIR and he was arrested by the police on 02.06.2023 after his name appeared in the disclosure statement of co-accused and certain cash was recovered at the instance of the petitioner. No specific act has been attributed to the petitioner and further after presentation of supplementary challan, charges are yet to be framed against the petitioner and thereafter it will take considerable time for the trial to conclude. In the given circumstances, no purpose is going to be

served by keeping the petitioner in custody for any longer period even if the petitioner is a previous convict.

7. In light of above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing of bail bonds and heavy surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

16.01.2024
Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No