



CRM-M-45994-2024 (O&M)

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

CRM-M-45994-2024

Date of Decision: 19.11.2024

Ajay @ Situ

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Naresh K. Chhokar, Advocate for the petitioner.

Mr. Gaurav Jindal, Addl. AG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)**CRM-42810-2024**

For the reasons mentioned in the application, the same is allowed and the zimni orders dated 02.03.2022 to 30.08.2024 as Annexure P-10 are taken on record, subject to all just exceptions.

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1. The present is a fourth petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case bearing FIR No.90 dated 16.02.2021, under Sections 379-B, 34 IPC and Section 25 of the Arms Act, 1959 (Sections 392, 397 and 201 IPC are added later on) registered at Police Station Samalkha, Panipat, District Panipat.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody for 3 years 8 months and 9 days and it is a case where the allegations against the petitioner and the other co-accused are that they had snatched Rs.3,000/-, one mobile phone and a car on gun point from the complainant. He further submitted that this is the fourth successive bail petition but the petitioner is now seeking regular bail purely on the ground of long

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incarceration. He also submitted that although the earlier two bail petitions of the petitioner were dismissed on merits but the trial has not progressed since then and the stage of the trial is still the same as it was at the time of dismissal of earlier bail petitions and even till date only four witnesses have been examined. He submitted that considering the long custody of the petitioner and the fact that the other co-accused have already been released on regular bail, the petitioner may also be considered for grant of regular bail.

3. On the other hand, Mr. Gaurav Jindal, learned Addl. AG, Haryana has submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that till date only four witnesses have been examined. He has however submitted that the petitioner is a habitual offender and is involved in as many as ten more cases of similar nature and there is an apprehension that in case the petitioner is released on bail then he may not only abscond from justice but may also influence the witnesses or may even repeat the offence and therefore, the petitioner is not entitled for grant of regular bail. So far as the grant of regular bail to the other co-accused is concerned, he submitted that the petitioner is not at parity with the other co-accused because the other co-accused, namely, Rajat @ Dhola and Ajay @ Chhota, who have been extended the benefit of regular bail in CRM-M-51755-2022 on 18.05.2023 and in CRM-M-32685-2022 on 21.09.2022, respectively were involved in only three more cases whereas the petitioner is involved in ten more cases and considering the criminal antecedents of the petitioner, he is not entitled for grant of regular bail.

4. I have heard the learned counsels for the parties.

5. It is a case where the total incarceration of the petitioner is come out to be 3 years 8 months and 9 days. As per the learned State counsel, the



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charges were framed on 08.03.2022 which is more than 2½ years ago and till date only 4 witnesses have been examined. The present is a fourth successive bail petition and the last bail petition of the petitioner was dismissed on merits on 08.05.2024 vide Annexure P-9 but the trial has not progressed since then and even as of today as per the learned counsels for the parties, only 4 prosecution witnesses have been examined. The argument which has been raised by the learned State counsel that the petitioner is a habitual offender and is involved in ten more cases has to be tested on the anvil of long custody of the petitioner. As per the learned counsels for the parties, all the co-accused have already been released on regular bail.

6. In view of the aforesaid facts and circumstances, this Court is of the considered view that although the criminal antecedents is a relevant factor for the purpose of considering the grant of bail but in the present case the custody of the petitioner is so long i.e. 3 years 8 months and 9 days and therefore, the prayer of the petitioner for grant of regular bail deserves to be considered in the light of the aforesaid long incarceration and the stage of the trial.

7. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

19.11.2024

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned | Yes/No |
| 2. Whether reportable: | Yes/No |