

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M-49391 of 2023(O&M)
Date of Decision: 31.01.2024

Jagdeep @ Monu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Ramnish Puri, Advocate
For the petitioner.Mr. Vijesh Sharma, AAG 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. 19 dated 13.01.2017, registered under Sections 307, 120-B and 34 IPC and Section 25 of Arms Act at Police Station Narwana, District Jind.

2. The FIR in this case was registered on the basis of statement of complainant Dharmender wherein he stated that co-accused Upkar, Ankit and one unknown boy came on a motor cycle and then the said accused persons fired pistol shots and one of the shot hit Ashish @ Tinu who was also present at the spot along with the complainant and then the accused persons fled away from there. The name of the petitioner surfaced during the investigation of the case. The allegations against the petitioner are that he supplied the aforesaid firearms which were used by the other accused persons in commission of afore-stated crime. During investigation the petitioner was arrested and lateron granted regular bail vide order dated

01.08.2018 (Annexure P-2), but lateron he jumped bail and rearrested on

16.11.2022 after getting his production warrants and presently petitioner is lodged in judicial custody.

3. The counsel for the petitioner submits that the total custody of the petitioner in the present case comes out to be 02 years and 08 months and he was not named in the FIR and was later on falsely implicated in the present case. That recoveries are already effected by the police and no injury is attributed to the petitioner and that during trial prosecution witnesses failed to support the case and it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be released on bail.

4. The status report by way of affidavit of Amit Bhatia, Deputy Superintendent of Police, Narwana filed on behalf of the State is taken on record along with Annexure R-1. The State counsel has not disputed the factual matrix as has been asserted by the counsel for the petitioner. The State counsel further submits that the petitioner who supplied firearms to other accused was earlier granted bail vide Annexure P-2 but thereafter petitioner absconded and was re-arrested on 16.09.2022. The State counsel while resisting the present petition submits that the petitioner is having criminal history and even after he absconded, he committed crime.

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

6. Admittedly, the petitioner was not named in the FIR and was nominated as accused and was arrested on 16.05.2017 and was granted regular bail vide Annexure P-2 but thereafter petitioner jumped bail and was re-arrested on 16.09.2022 and since then the petitioner is in custody. The recoveries are already effected in this case. The allegations against the

petitioner are that he supplied the firearm to the other accused which were used by them in commission of crime. The trial is going on but it will take time for the trial to terminate.

7. In the given circumstances, even if the petitioner is involved in some other criminal cases, no purpose is going to be served by detaining the petitioner for any longer period as he is already incarcerated for 02 years and 08 months.

8. Thus, 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 surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

31.01.2024
Jiten

(KARAMJIT SINGH)
JUDGE

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