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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32176-2024(O&M)
Date of Decision: 07.01.2025

Amit

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kunal Dawar, Advocate, for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

CRM-31788-2024

The present application has been filed for placing on record
Annexures P-14 to P-16.

For the reasons recorded in the application, the same is allowed.
Annexures P-14 to P-16 are taken on record subject to all just exceptions.

Main case

1. The present is a second petition filed under Section 439 of the
Code of Criminal Procedure for the grant of regular bail to the petitioner in
FIR No. 216 dated 01.09.2022, under Sections 302, 120-B, 109, 201, 216
IPC and Section 25(1B) (a) of Arms Act, registered at Police Station Civil
Lines, Gurugram.

2. Learned counsel appearing on behalf of the petitioner submitted
that the petitioner is in custody from 20.02.2023 which is almost two years



and out of total 85 cited witnesses 49 witnesses have been examined. He also submitted that it is a case where the petitioner was neither named in the FIR nor in the statement made by the co-accused namely, Chaman under Section 161 Cr.P.C. He submitted that thereafter he was arrested in another FIR No. 51 dated 07.02.2023 (Annexure P-14) and when allegation in the aforesaid FIR was being investigated, his disclosure statement in that case was recorded and as per the prosecution, the petitioner confessed to his guilt in the disclosure statement of another FIR to the extent that he had harboured the accused of the present case after commission of the crime by way of depositing of two weapons and Rs. 30,000/- which allegedly the petitioner had given to the other co-accused. He submitted that the entire story was concocted by the prosecution and the reason as to why the petitioner has been falsely implicated is that he was involved in seven other cases out of which in three cases he has been acquitted and those FIRs which are pending against the petitioner pertain to Excise Act. He also submitted that considering the stage of the trial where out of total 85 cited witnesses 49 witnesses have been examined and the custody of the petitioner which is about 2 years, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Vishal Kashyap, learned DAG, Haryana has submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that the petitioner was later on nominated on the basis of his own disclosure statement made in another FIR in which he was arrested. He submitted that the role of the petitioner was that he had harboured the other co-accused and after about two months got the weapons from them i.e. 6 pistols and two country made pistols and



out of those 6 pistols, he handed over four pistols to the co-accused and he kept the remaining two pistols out of which one pistol has been recovered from the petitioner.

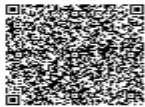
4. I have heard the learned counsels for the parties.

5. It is a case where the petitioner is in custody for about 2 years and the petitioner was earlier not named in the FIR but nominated later on on the basis of his own statement when another FIR against him was being investigated. Out of total 85 cited prosecution witnesses 49 have been examined.

6. Hon'ble Supreme Court in ***Dataram Singh versus State of Uttar Pradesh and another, 2018 (3) SCC 22*** has observed as under:-

*“6. The historical background of the provision for bail has been elaborately and lucidly explained in a recent decision delivered in **Nikesh Tara chand Shah v. Union of India 2017 (13) SCALE 609** going back to the days of the Magna Carta. In that decision, reference was made to **Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565** in which it is observed that it was held way back in **Nagendra v. King-Emperor, AIR 1924 Calcutta 476** that bail is not to be withheld as a punishment. Reference was also made to **Emperor v. Hutchinson, AIR 1931 Allahabad 356** wherein it was observed that grant of bail is the rule and refusal is the exception. The provision for bail is therefore age-old and the liberal interpretation to the provision for bail is almost a century old, going back to colonial days”.*

7. Therefore, considering the totality of facts and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the



petitioner.

8. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court /Duty Magistrate concerned, if not required in any other case.

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

07.01.2025

rakesh

(JASGURPREET SINGH PURI)

JUDGE

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