

CRM-M-40209-2024

2025:PHHC:007656



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(210-2)

Date of decision: 20.01.2025

(1) CRM-M-40209-2024 (O & M)

Ashish @ Ashu Petitioner
V/s

State of Haryana ...Respondent

(2) CRM-M-43101-2024 (O & M)

Rohit Petitioner
V/s

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. R.S. Malik, Advocate (in CRM-M-40209-2024)
and Mr. Sushil Jain, Advocate (in CRM-M-43101-2024)
for the petitioner(s).

Mr. Viney Phogat, DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

This order shall dispose of two criminal miscellaneous petitions
i.e. CRM-M-40209-2024 and CRM-M-43101-2024 as they arise out of the
same FIR.

2. The petitioner-Ashish @ Ashu (in CRM-M-40209-2024) and the
petitioner-Rohit (in CRM-M-43101-2024) seek the grant of regular bail
under Section 483 of BNSS in case bearing FIR No.137 dated 05.05.2023

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under Sections 379-B IPC & Section 25 of the Arms Act, 1959 and Sections 392, 397, 411 IPC (added later on), registered at Police Station Gohana Sadar, District Sonipat.

3. For the sake of convenience, the facts are being taken from the petition bearing No. CRM-M-43101-2024.

4. The present FIR came to be registered at the instance of Surender S/o Ramphal and the same reads as under:-

“Sir, it is submitted that I Surender son of Ramphal is the resident of Badohti Khas and I am working as Salesman at Saheed Bhim Singh Filling Station, Village Mundlana. Today on 4-5-2023 at around 11.00 P.M., two boys came on a bike make Splendor and asked me to fill petrol of worth ₹ 200/-, they gave me ₹ 500/- and when I started giving them the remaining ₹ 300/- to them, then the pillion rider of the bike took out a pistol and pointed it on my stomach and snatched ₹12,000/- from me and fled away from the spot on bike. Legal action be taken against these unknown bike riders. SD Surender 9050288553.”

5. During the course of the investigation, the petitioners and their co-accused came to be nominated as accused in the present case.

6. The learned counsels for the petitioners contend that the complainant-Surender witnesses Kanwar Bhan and Harish owner of the petrol pump have not supported the prosecution case. As the petitioners were in custody since 13.05.2023 & 25.05.2023 respectively but only 03 of the 19 prosecution witnesses had been examined so far, the trial of the present case

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entitled to the concession of bail, moreso, when a co-accused, namely, Sagar had been granted bail vide order dated 09.01.2025 passed in CRM-M-59931-2024.

7. The learned counsel for the State, on the other hand, has filed separate custody certificates dated 17.01.2025, which are taken on record. While referring to the said custody certificates, he contends that the petitioners along with their co-accused have committed a serious offence and as such, they were not entitled to the concession of bail, moreso, when they were habitual offenders i.e. Ashish @ Ashu (petitioner in CRM-M-40209-2024) with three other cases and Rohit (petitioner in CRM-M-43101-2024) with four other cases of a similar nature registered against them. He, however, has not disputed the fact that the witnesses had not supported the prosecution case, that the petitioners were in custody since 13.05.2023 and 25.05.2023 respectively and that only 03 of the 19 prosecution witnesses had been examined so far.

8. I have heard the learned counsel for the parties.

9. The veracity of the prosecution case against the petitioners and their co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioners are in custody since 13.05.2023 and 25.05.2023 respectively but only 03 of the 19 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioners is not required, moreso, when a co-accused has been granted the similar relief.

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10. Thus, without commenting on the merits of the case, the present petitions are allowed and the petitioners, namely, Ashish @ Ashu (in CRM-M-40209-2024) and Rohit (in CRM-M-43101-2024) are ordered to be released on bail subject to their furnishing bail bonds and surety bonds each to the satisfaction of learned CJM/Duty Magistrate, concerned.

11. Both the petitions stand disposed of.

January 20, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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