

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59749-2024
Reserved on: 09.01.2025
Pronounced on: 23.01.2025

Anil Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amrit Singh Kang, Advocate
for the petitioner.

Mr. Naveen K. Sheoran, D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
415	12.10.2016	Bhuna, District Fatehabad	395 IPC and 25 of Arms Act, 1959

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. Per paragraph 16 of the bail application and para 13 of the status report/custody certificate, the accused has the following criminal antecedents:-

Sr. No.	FIR No.	Dated	Offenses	Police Station
1	414	12.10.2016	395 IPC	Bhuna
2	296	28.05.2020	307 IPC and 25 of Arms Act	Barwala
3	10	17.01.2018	380 IPC	Agroha

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“4. That during investigation it was came to known that accused Jagbir @ Jagga and Mandeep son of Ramdass who were lodged in judicial custody in case FIR No.255 of 2016 PS Uklana and they also disclosed about the incident of the present case. On which, they were joined in the investigation in the present case after getting issued their production warrants from the court and on 28.10.2016, they were arrested in the present case On 28.10.2016, co-accused Jagbir alis Jagga and Mandeep suffered their respective disclosure statements regarding their involvement in the present case alongwith present petitioner-accused Anil Kumar. Co-accused Jagbir alias Jagga disclosed in his disclosure statement

(Annexure R-1) that "on 11.10.2016, I and my companions Mandeep (co-accused) and Mohan (co-accused). Anil (petitioner-accused) and Sagar alias Jolly (co-accused) came in a car make Pollo bearing Reg. No. HR-80-8696. I had an illegal 315 bore pistol and Mohan (co-accused) also had an illegal pistol and the rest had iron rods and sticks. He further disclosed that firstly, five of us looted cash from the shop at Gorakhpur, then at about 9.30 pm, all of us reached at liquor shop in village Saniyana in said car which was being driven by Sagar alias Jolly (co-accused). We all got down from the car and went inside the liquor shop, where, there were three men inside the shop. I put the pistol upon the salesman and my friend Sagar alias Jolly (co-accused) took away the bag containing money and took out 5 beer bottles from the fridge kept in the shop. We drank the beer bottles and took out money from the bag and counted the money. We found total Rs. 50000 in said bag. The bag and the empty beer bottles were thrown from the moving car by my friend Anil (petitioner-accused) and we fled towards village Sahu in said car. He further disclosed that I have already got recovered the pistol to the Uklana police. I had torn the mobile phone and thrown it on the road. It was very dark at that time and I cannot identify the place. Sagar alias Jolly and Mohan had taken away the car". Co-accused Mandeep also narrated the same story as disclosed by co-accused Jagbir."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the status report.

6. Para 12 of the status report reads as follows:-

"12. That it is pertinent to mention here that during trial, on 23.02.2024, petitioner was granted regular bail and on 10.12.2019, petitioner-accused Anil Kumar and co-accused Mohan Lal not present before the Ld. Trial Court on which bails of both the accused persons were cancelled and later on vide zimni order dated 16.05.2024, petitioner-accused Anil Kumar and Jagbir (co-accused) were declared proclaimed offenders. However, on 31.07.2024 petitioner has again arrested in the present case and sent to judicial custody."

7. The petitioner was earlier on bail; however, he failed to appear, which led to the cancellation of the bail vide order dated 10.12.2019, passed by Additional Sessions Judge.

8. The petitioner was earlier granted bail, and as such, this court is inclined to grant bail subject to the strict condition that the petitioner shall not remain absent from the trial even on a single day and subject to compliance with the following conditions.

9. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

10. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner's complying with the following terms.

14. The petitioner shall attend the trial on every date and shall not seek any adjournment.

15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

17. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

23.01.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.