

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-16587-2022 (O &M)
Date of decision: 27.04.2022

VIPUL

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Arav Gupta, Advocate with
Mr. Priya Aggarwal, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

CRM-14552-2022

The instant application has been filed under Section 482
Cr.P.C. for exemption of filing certified copies of Annexures P-1 to
P-2.

Allowed as prayed for.

CRM-M-16587-2022

1. The instant petition has been filed under Section 439
Cr.P.C. by the petitioner for seeking concession of regular bail in case
bearing FIR No. 0578 dated 29.09.2021 registered under Sections 342,
395, 397, 307, 34 and 120-B of the Indian Penal Code, 1860 and
Section 25, 25(1) (a) of the Arms Act, 1959 at Police Station Mujesar,
District Faridabad.

2. Learned counsel appearing on behalf of the petitioner inter alia contends that as per the FIR registered on the statement of Mohit S/o Ved Aggarwal, two boys with muffled faces had pushed the servant of the complainant and decamped with a sum of Rs. 4.-4.5 lakhs in a bag along with other items at gun point. Upon the complainant raising an alarm, his father Ved Aggarwal came down. The third boy was standing outside with a motorcycle and both the boys fled away on their motorcycle. When the father of the petitioner tried to catch hold one of them, they fired a shot on his father which hit on the left shoulder. It is submitted that the petitioner is not named in the FIR and there is no attribution to the petitioner of having play any active or passive role in commission of the offence. It is pointed out that the name of the petitioner figured in the disclosure made by the co-accused as per which three persons were sitting in a separate car and that the petitioner is alleged to one amongst those. He further submits that pursuant to the arrest of the petitioner on 04.10.2021, a recovery of Rs. 5,000/- is alleged to have been effected. He submits that investigation in the case is complete and that his custodial interrogation is not warranted. It is further argued that the petitioner has been in custody for nearly 07 months and that the trial is yet to commence.

3. Learned State counsel has vehemently opposed the application and it is contended that the petitioner has criminal antecedents and that he is involved in two other cases bearing FIR No. 163 of 2019 under Section 379-B and 34 IPC and Section 25 of the Arms Act registered at Police Station Gaunaur, Sonapat and FIR No. 93 of 2020 registered under Sections 354-A and 354-D and 506 of the IPC

and Section 67 of the Information Technology Act at WPS, Manesar, Gurugram. He could not however pointed out as to whether the petitioner is on bail in the said offences or not . He could so however not controvert the fact that the FIR does not attribute any overt act on the part of the petitioner in the commission of the offence. It is also evident that the involvement of the petitioner is only on the basis of a disclosure made by the co-accused.

4. The case for bail has to be considered on its own merits . Even though the antecedents of an accused may be one amongst the relevant considerations while adjudicating a petition on merits for grant of bail, however, a mere involvement of the petitioner in other cases cannot be the sole basis to keep him confined in perpetuity. The power to adjudicate upon the liberties of an individual, while considering their claim of bail, cannot be deployed as a means of inflicting sentence on an accused. The role attributed to the person and the evidence collected during the investigation by the Investigating Agency would invariably remain a prime consideration with the Court while considering the application of bail along with stage of the prosecution case and the period of custody.

5. Taking into consideration, the role of the petitioner in the present case, the alleged recovery on the petitioner and the stage of investigation as also the period of actual custodial detention already undergone, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

6. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond

to the satisfaction of the trial Court/Duty Magistrate, concerned.

7. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

8. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

APRIL 27, 2022
vishal sharma

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



सत्यमेव जयते

