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CRM-M-39139-2025 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(242)

CRM-M-39139-2025 (O & M)
Date of decision: 29.07.2025

Ajay @ Mota

..... Petitioner(s)

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Navneet Singh Chookar, Advocate, for the petitioner.

Mr. T.P. Singh, Sr. DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this third petition under Section 483 of BNSS, 2023 is for the grant of the regular bail to the petitioner in case FIR No.422 dated 12.12.2022 under Sections 395, 397, 212, 120-B IPC and Section 25 of the Arms Act, registered at Police Station Dharuhera, District Rewari.

2. The present FIR came to be registered at the instance of Ishwar Singh and reads as under:-

"Sir, S.H.O., P.S. Dharuhera, Sir, It is requested that on the NH-48 Delhi to Jaipur, after Raqba Nikhrin, there is a petrol pump named Shaheed Bijender in the name of Brahma Devi. I am salesman on this pump from 10 years. Today at 7 PM to 7.15

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PM, one Swift car came in which four young boys were there and alighted from the Swift car and on the nose of the pistol from me and the office forcefully took away Rs. 27,000/- and sat in the Swift car and ran away towards Jaipur, who all were young boys and legal action be taken against them. Sd/ Ishwar Singh, Ishwar Singh s/o Om Parkash.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He is alleged to be a conspirator and was not said to have been present at the spot when the alleged offence was committed. The material witnesses stand examined and have not supported the case of the prosecution. In two other cases of a similar nature, the petitioner has been granted the concession of bail. As he is in custody since 24.12.2022 but only 18 of the 27 prosecution witnesses have been examined, the Trial of the case is not likely to be concluded anytime soon. Therefore, he is entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, on instructions from ASI Vijender contends that the petitioner is a seasoned criminal with 09 other cases registered against him, in two of which he has been acquitted. He is the main conspirator at who's instance, the offence were committed. Though, some of the witnesses have turned hostile, the said fact would not come to the aid of the petitioner, as he is not stated to have been present at the spot and the question of his identification or lack

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thereof is irrelevant. Other prosecution witnesses are yet to be examined. He, thus, contends that the present petitioner is not entitled to the concession of bail.

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

6. As per the prosecution case, the accused persons in conspiracy with the petitioner committed the offence in question. Though, some of the witnesses have not supported the prosecution case, the said fact would not be of much significance so far as the present petitioner is concerned as he is stated to be a conspirator and is not alleged to have been present at the spot. Even otherwise, the last bail application of the petitioner came to be withdrawn on 18.09.2024 after all the material prosecution witnesses had turned hostile.

7. The petitioner is an accused in as many as 07 other cases, some of which are of a similar nature. The details of the aforesaid 07 cases are as under:-

Sr. No.	FIR No./Dated	Under Sections	Police Station
1.	551/2022 dated N/A	3/25 of the Arms Act	Udhyog Nagar, Sikar
2.	590/2022 dated N/A	323/325 IPC, 506/34 IPC	Not Applicable, Jhajjar
3.	588/2019 dt. 28.09.2019	148/149/302/364 and 120-B IPC, Sections 25/54/59 of the Arms Act	Sector 10-A, Gurugram
4.	423/2022 dated N/A	392/397/212/120-B IPC and Sections 25/54/59 of the Arms Act	Dharuhera, Rewari

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5.	878/2018 dated N/A	379-B and 394/506 IPC	Sampla, Rohtak
6.	421/2022 dt. 11/12/2022	392/397/120-B IPC and Sections 25/54/59 of the Arms Act	Dharuhera, Rewari
7.	420/2022 dt. 11/12/2022	392/397/212/120-B IPC and Sections 25/54/59 of the Arms Act	Dharuhera, Rewari

8. Keeping in view the nature of the allegations and the antecedents of the petitioner, there is every likelihood that he would either abscond from the Trial or threaten and intimidate the prosecution witnesses. Therefore, the present petition stands dismissed.

July 29, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No