

(2024) 02 RAJ CK 0062

In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail Application No. 15332 Of 2023

Ankit Pandit @ Dhamaka @ Pankaj

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 15-02-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 279, 307, 323, 326
Arms Act, 1959 — Section 27

Citation : (2024) 02 RAJ CK 0062

Hon'ble Judges : Kuldeep Mathur, J

Bench : Single Bench

Advocate : SR Godara, Vikram Sharma

Final Decision : Allowed

Judgement

Kuldeep Mathur, J

This application for bail under Section 439 Cr.P.C. has been filed by the petitioner who has been arrested in connection with F.I.R. No.487/2019, registered at Police Station Suratgarh City, District Sri Ganganagar, for the offences under Sections 307, 326/34, 323/34 IPC and Section 27 of the Arms Act.

Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the material available on record.

Learned counsel for the petitioner submitted that the co-accused persons namely Nand Ram (S.B. Criminal Miscellaneous Bail Application No.403/2019) and Surendra Pal (S.B. Criminal Miscellaneous Bail Application No.15735/2019) and Ankush Choudhary @ Ankush Kumar @ Sonu (S.B. Criminal Miscellaneous Bail Application No.1370/2023) have already been enlarged on bail by this Court vide orders dated 24.01.2020, 01.02.2023 respectively.

Learned counsel further submitted that though initially an FIR was lodged against the present petitioner for the offences under Section 307 IPC and the charge-

sheet was also filed for the same offence. However, the competent criminal court framed the charges against him for the offences under Sections 326/34, 279, 323 and 34 IPC and Section 27 of the Arms Act. Learned counsel further submitted that the offences for which the present petitioner is facing trial, are triable by court of Magistrate.

Lastly, learned counsel submitted that the case of the present petitioner is not distinguishable from that of the co-accused persons who have already been enlarged on bail. It was submitted that the petitioner is in judicial custody since 20.09.2019 and the trial of the case will take sufficiently long time, and therefore, the benefit of bail should be granted to the accused-petitioner.

Learned Public Prosecutor has opposed the bail application. However, he was not in a position to refute the fact that the above named co-accused persons have already been enlarged on bail by this Court. Learned Public Prosecutor was also not in a position to dispute the fact that the offences for which the present petitioner is facing trial, are triable by court of Magistrate.

Having considered the rival submissions, facts and circumstances of the case, without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge the petitioner on bail.

Consequently, the bail application under Section 439 Cr.P.C. is allowed. It is ordered that the accused-petitioner Ankit Pandit @ Dhamaka @ Pankaj S/o Om Prakash, arrested in connection with F.I.R. No.487/2019, registered at Police Station Suratgarh City, District Sri Ganganagar, shall be released on bail, if not wanted in any other case, provided he furnishes a personal bond of Rs.50,000/- and two sureties of Rs.25,000/- each, to the satisfaction of learned trial court, for his appearance before that court on each & every date of hearing and whenever called upon to do so till completion of the trial.