

CRM-M No.29923 of 2016 (O&M)

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**223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.29923 of 2016 (O&M)
Date of decision : 14.09.2016**

Talib

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Altaf Hussain, Advocate and
Mr. Arafat Hussain, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Additional A.G., Haryana.

Counsel for the complainant.

AJAY TEWARI, J. (Oral)

This is a second petition for grant of anticipatory bail to the
petitioner under Section 438 Cr.P.C. in case FIR No.471, dated
03.09.2015 registered under Sections 148/149/323/452/307/302 IPC and
Sections 25/54/59 Arms Act at Police Station Punhana, District Metwat

(Haryana).

The first one was dismissed on 12.10.2015 by the following order :-

“Prayer is for grant of anticipatory bail in case FIR No.471 dated 03.09.2015 under Sections 148, 149, 323, 452, 307, 302 IPC and Sections 25/54/59 of the Arms Act, P.S Punhana, District Mewat.

It is contended that there was a fight between supporters of petitioner and the opposite side resulting into firing by someone and no case under Section 302 IPC is made out against the petitioner and a false case has been foisted upon the petitioner.

Learned state counsel, on instructions from ASI Rohtash submits that as per the eye witness account, it is the petitioner, who fired a shot from his pistol and, therefore, recovery of that pistol is to be effected.

Without commenting upon the merits of the case and keeping in view the nature of the case and gravity of the charges, I find that no case for anticipatory bail is made out.

Dismissed.”

Learned counsel for the petitioner has stated that as regards the deceased-Imtayaz his sister has now changed her statement and has exculpated the petitioner.

Learned Additional Advocate General and learned counsel for the complainant has however pointed out that the petitioner is the main conspirator and even if one of the witnesses have been won over the case against the petitioner can not be said to have been completely eroded.

In my opinion, there are no material changes which would justify a fresh order in this petition for anticipatory bail, even more so when against the previous order the petitioner had approached the Supreme Court and there also the petition was dismissed.

Petition is dismissed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

14.09.2016
Pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No