

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-38175 of 2017

Date of Decision: 13.12.2017

Pawan @ Pona

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Aditya Singh Yadav, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.0527 dated 30.11.2015 under Sections 307/34/120-B IPC and Section 25 Arms Act registered at Police Station Kharkhoda, District Sonapat.

The instant FIR was registered at the behest of complainant Naveen Kumar with the allegations that on an earlier occasion i.e. on 08.10.2014 at about 8-00 p.m., when the complainant and his father were at their shop, four boys came to their shop and fired shots at them. In the said incident, the complainant sustained three fire shots. As far as the present incident is concerned, on 30.11.2015, the complainant and his father had gone to vegetable market, Kharkhoda for purchasing vegetables. When

father of the complainant was waiting for the complainant at the Mandi Gate, two boys came on a motorcycle and fired a shot upon the chest of his father with an intention to kill him. The complainant raised an alarm, upon which, both the boys fled away along with their weapon towards Delhi on their motorcycle.

Learned counsel for the petitioner has argued that the petitioner was not present at the scene of occurrence and he had not caused any injury. Rather, the petitioner was in jail on the day of occurrence and therefore, there is hardly any occasion for him to participate in the said occurrence.

On the other hand, learned State counsel, on instructions from ASI Birender Singh, submits that in fact, the petitioner operated from the jail itself and his involvement in the case is duly established. The petitioner is involved in as many as six more cases i.e. (i) FIR No.475 dated 01.11.2014 under Section 302/201 IPC, P.S. Kharkhoda, (ii) FIR No.202 dated 30.04.2014 under Section 160 IPC, (iii) FIR No.447 dated 09.10.2014 under Sections 307/34 IPC and Section 25 Arms Act, P.S. Kharkhoda, (iv) FIR No.464 dated 21.10.2014 under Section 386 IPC, P.S. Kharkhoda, (v) FIR No.527 dated 30.11.2015 under Section 307/34/120-B IPC and Section 25 Arms Act, P.S. Kharkhoda and (vi) FIR No.649 dated 17.10.2014 under Section 307/387/120-B/34 IPC, P.S. Baba Haridass Nagar, Nazafgarh (New Delhi).

I have heard learned counsel for the parties.

Admittedly, out of the two 27 witnesses cited by the prosecution, 22 witnesses have already been examined and therefore, the

trial is at the fag end of its conclusion. Considering the track record of the petitioner as well as the nature of allegations levelled against him and also noticing the fact that offence under Section 120-B has also been mentioned in the FIR, no case for bail is made out.

Accordingly, the present petition is dismissed.

December 13, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No