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

**CRM-M No.1042 of 2018 (O&M)
Date of Decision: 14.03.2018**

KRISHAN @ PADDA

.....Petitioner

**Vs
STATE OF HARYANA**

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Kuldeep Sheoran, Advocate
for the petitioner.

Ms. Neelam Kashyap, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.216 dated 23.08.2017, registered under Sections 307, 399, 402 IPC and under Section 25 of the Arms Act at Police Station Uklana, District Hisar.

FIR was registered on the basis of secret information to the effect that five unknown young boys were sitting near the tomb situated at right side of Uklana road and were planning to commit robbery on Petrol Pump. Raid was conducted by the police and the police overheard the conversation between the boys. ASI Krishan Kumar tried to nab the accused by telling them to surrender before the police. One of the boys, opened

fire on the police party. ASI Krishan Kumar saved himself and the said boy started running and ultimately fell down with the pistol in his hand. He was apprehended and the other boys succeeded in running away from the spot. The boy, who was arrested disclosed his name as Pawan @ Happy. Name of the petitioner came to be disclosed in the disclosure statement of aforesaid Pawan @ Happy and in pursuance of the said disclosure statement, a countrymade pistol and one live cartridge were recovered from the petitioner on 02.09.2017.

Learned counsel for the petitioner submitted that the petitioner was involved in FIR No.16 dated 08.02.2015 under Sections 457, 380 IPC, P.S. Uklana in which he was acquitted. Petitioner was also involved in FIR No.18 dated 11.02.2015 under Sections 148, 149, 302 IPC and Sections 25, 54, 59 of the Arms Act, P.S. Uklana in which he has also been acquitted. In case bearing FIR No.17 dated 10.02.2015 under Sections 392, 342, 34 IPC and Sections 25, 54, 59 of the Arms Act, P.S. Uklana, petitioner was convicted and in appeal his sentence has been suspended by the Appellate Court. In case bearing FIR No.37 dated 21.02.2017 under Sections 109, 120-B, 147, 149, 341, 427, 506, 307, 448, 115 IPC, P.S. Uklana, petitioner is on bail as undertrial.

Learned counsel further submitted that in the present

case, the petitioner is in custody since 02.09.2017. Challan has been presented. After framing of charges, the case is fixed for prosecution evidence. The only fire was made by the co-accused Pawan @ Happy in which none of the person was injured. Recoveries of pistol and one live cartridge have been effected from the petitioner on the basis of disclosure statement of co-accused. As per allegations in the FIR, pistol recovered from the petitioner has not been used.

Learned State counsel on instructions from ASI Madan, has not disputed the aforesaid facts.

At this stage, without meaning anything on merits of the case, I deem it appropriate to grant concession of regular bail to the petitioner.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

March 14, 2018

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Whether speaking/reasoned
Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No
Yes/No