

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 11567 of 2018 (O&M)

Date of decision : 7.5.2018

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Manoj

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Vishal Nehra, Advocate
for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General,
Haryana.

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H. S. Madaan, J.

This petition for regular bail has been filed by petitioner – Manoj, an accused in FIR No. 188 dated 12.4.2017 for offences under Sections 307, 341/34 IPC and Section 25 of the Arms Act, registered at Police Station Ghannaur, District Sonapat.

Briefly stated facts of the case as per the prosecution story are that the present petitioner Manoj alongwith his co-accused Deepak and Rahul, a juvenile in conflict with law, had snatched a Swift car bearing registration No. HR-10X-5094 from the son of the complainant – Kartik, at gun point and FIR in that regard was registered with the police of Police Station Ghannaur; that on 12.4.2017, at about 3.15 P.M. when the complainant was going from village Heer Majra towards Garhi Jhhijhahana and had reached near

the school in village Heer Majra, then Manoj alongwith Deepak, and Rahul, besides Surender @ Baba and Baljeet Kaur @ Pooja travelling in the stolen Swift car came there and hit Accent car bearing No. HR-26AG-1677 in which the complainant was travelling. The complainant got down from the car and asked from Deepak and Manoj, as to why they had snatched the car from his son. Thereafter, Deepak fired a gun shot at the complainant with an intention to kill him. Manoj was exhorted to do so by Rahul, Surender and Baljeet Kaur who were sitting in the Swift car. Manoj took pistol from other accused sitting in the car and fired a gun shot at the complainant hitting him. Resultantly, the pellets from the round hit right hand of the complainant. When the complainant tried to run away from the spot, the accused took to their heels.

The accused was arrested in this case. He had filed an application for regular bail before the Court of Sessions, which was assigned to the Additional Sessions Judge, Sonapat, who vide order dated 7.3.2018 dismissed that petition, as such the petitioner has approached this Court for the grant of similar relief, which request is being opposed by the State counsel.

I have heard, learned counsel for the petitioner, learned State counsel, besides going through the record of the case.

Learned counsel for the petitioner has contended that PW Shri Pal has not supported the prosecution story and has rather turned hostile. Therefore, the case has suffered a jolt and the petitioner be granted regular bail.

Whereas, learned State counsel has contended that the

trial against the petitioner is going on and the prosecution is yet to conclude its evidence and only on conclusion of trial, guilt of the accused shall be determined. Therefore, he cannot take advantage of the fact that one of the prosecution witness examined by the prosecution has not supported its case.

After hearing the rival contentions, I find that merely for the reason that one of the PWs has not supported the prosecution case does not mean that the entire case is going to collapse. The trial Court has to reach its own conclusion on completion of trial and petitioner cannot take advantage of this fact while praying for grant of bail.

The allegations against the petitioner are indeed grave and serious. Not only while being accompanied by his co-accused snatching Swift car from the son of the complainant, regarding which FIR No. 171 dated 8.4.2017 for offences under Sections 379 A and 506 IPC was registered against them, after four days i.e. on 12.4.2017, hitting against the car of the complainant and then his co-accused Deepak firing a shot at the complainant, whereas petitioner accused himself firing a shot at the complainant, resultantly hitting the complainant on the right hand, such type of accused can certainly be not taken in a casual and light manner. As per the custody certificate, the petitioner is involved in several criminal cases, the details of which are as under:-

1. FIR No. 208 dated 26.4.2017, u/s 25 of Arms Act,
Police Station Ghannaur, Sonapat.
2. FIR No. 187 dated 12.4.2017, u/s 25 of the Arms Act,
379 A IPC, Police Station Ghannaur, Sonapat

3. FIR No. 171 dated 8.4.2017, u/s 379-A IPC, 506 IPC,
Police Station Ghannaur, Sonapat.

4. FIR No. 495/2016, u/s 323 IPC, Police Station
Ghannaur, Sonapat.

This means that he has got a past criminal record. If released on bail there is every possibility of his absconding and trying to tamper with the prosecution evidence. Therefore, I do not find any merit in the bail application filed by the petitioner.

No ground for grant of bail is made out. The petition stands dismissed.

7.5.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No