

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Hemlata
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CRM-M No. 9006 of 2018 (O&M)

Date of decision: 13.03.2018

Jakir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Pradeep Virk, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

This is a petition filed under Section 438 of Code of Criminal Procedure Code 1973, for grant of concession of anticipatory bail to the petitioner in case FIR No.239 dated 24.06.2017 under Sections 148, 149, 323, 427, 285, 506 of IPC and Section 25 of the Arms Act, 1959, registered at Police Station Hathin, Palwal.

Learned counsel for the petitioner submits that as per allegation in the FIR, petitioner-Jakir along with one-Ajij had fired shots on the complainant party and also pelted stones.

Counsel for the petitioner further submits that the FIR has been registered as a counter blast to the FIR No.206 dated 05.06.2017, under Sections 148, 149, 285, 307, 323, 506 IPC, at Police Station Hathin, against the complainant party, for causing injuries to the petitioner's side. It is further submitted that no custodial interrogation of the petitioner is required and no recovery is to be effected.

In reply, learned State counsel, on instructions from ASI Amar Singh, has submitted that one co-accused of the petitioner, namely, Ajij has already been arrested by the police and a country made pistol has been

recovered from him. It is further stated that even recovery of a weapon is to be effected from the petitioner and therefore, his custodial interrogation is required. Learned State counsel has further submitted that there are photographs of occurrence, showing the presence of the petitioner with a weapon, at the place of occurrence.

After hearing counsel for the parties, I find no ground for grant of anticipatory bail to the petitioner.

As per allegation in the FIR, the petitioner and another co-accused-Ajij (since arrested) had fired shots on the complainant party with a country made weapon and therefore, there are serious allegations against the petitioner of causing injuries to the complainant party. Moreover, recovery of weapon is to be effected from the petitioner and another co-accused-Ajij has already been arrested, therefore, custodial interrogation of the petitioner is required by the police.

In view of the nature of allegation against the petitioner and considering the fact that the offence is of a serious nature, the petitioner is not entitled for the discretionary relief of anticipatory bail.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

13.03.2018
Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No