

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

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CRM-M-39386-2019 (O & M)
Date of Decision:19.09.2019

Akash @ Illu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Raj Kumar, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.455 dated 20.06.2019, under Section 307 IPC, 1860, and Section 25 of the Arms Act, 1959 registered at Police Station City Bhiwani.

FIR is reproduced below:-

*“To Chowki Incharge, Diond Gate, Bhiwani, Sir,
requested that I Anil Kumar son of Balram resident of
Halu Mohalla, Balmiki Basti, Bhiwani. My son Mohit
and daughter of neighbour namely Vaishali daughter of
Sanjay are missing since so many days. The uncle of
Vaishali namely Akash @ Illu son of Surjeet came near
our house and said in high voice that I will kill you and
in order to kill, Akash fired upon me but I remained safe
and on hearing noise, nearby people came and on seeing
them, Akash fled away from the spot. Akash is having a*

illegal pistol and we are in danger from Akash. Incident is of dated 19.06.2019 time near about 10:30. It is therefore, prayed to you to take legal action against Akash Sd/- Amit Kumar s/o Balram, Halu Mohalla, Balmiki, Basti, Bhiwani.”

Learned counsel for the petitioner contends that the alleged gun shot fire did not cause any injury to the complainant. He submits that the petitioner was indicted as an accused, because son of the complainant had eloped with the niece of the petitioner. He further submits that investigation is complete and the final report stands filed on 08.08.2019, therefore, his further custody may not be justified.

Learned State counsel while opposing the prayer has invited the attention of the Court to the pendency of list of five cases against the petitioner as noticed in the order of Additional Sessions Judge, Bhiwani. He has also pointed out that the petitioner stands convicted in case FIR No.513 dated 12.10.2010 under Sections 364, 302, 201, 34 registered at Police Station Sadar Bhiwani and has been sentenced.

Considering the above and the fact that trial is yet to commence in the present case, no case is made out for grant of regular bail to the petitioner.

Dismissed.

19.09.2019
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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No