

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

CRM-M-5089-2020

Date of decision:4.3.2020

WAZID

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Lakshay Bajaj, Advocate
for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana
assisted by ASI Balwan Singh.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.447 dated 15.5.2018 under Sections 148, 149, 186, 332, 353, 307, 427 IPC & Section 25 of Arms Act, Section 11-D the Prevention of Cruelty to Animals Act and Section 13(1) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 at Police Station Chandni Bagh, District Panipat.
2. The FIR was lodged at the instance of ASI Parveen Kumar wherein it has been alleged that on 15.5.2018 when he along with other police officials was present in the area of check post, opposite Baljit Nagar, Police Post, Sanauli Road, Panipat then information was received that some cow smugglers who had loaded cows in a pick-up vehicle were transporting them and were proceedings towards Baljit Nagar, check post. Upon receipt of the said information, he alerted the officials of the check post.

When a pick-up vehicle was noticed coming towards them at high speed they signalled it to stop, but driver of the said vehicle, instead of stopping the vehicle tried to speed away and to run over the officials of the police party with an intention to kill them and hit his vehicle against the police vehicle and on account of which Head Constable Pushpender sustained injury and the police vehicle in question was damaged. It is alleged that the driver of the said pick-up truck and his 6-7 accomplices came out of the said pick-up truck and started firing at the police party from country made pistols and tried to run away from the spot. However, the police party was able to nab two of them and who upon inquiry disclosed their names as Abbas and Wazid (petitioner). Upon checking the pick-up truck three cows were found loaded in the same.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in any case even if the allegations as levelled in the FIR are taken to be correct, still no offence under Section 307 IPC can be said to be made out. It has been submitted that although all the accused are alleged to have fired at the police party, but surprisingly not even a single police official received any bullet injury and that the only injury sustained by one police official was in the nature of swelling on the thumb, which was simple in nature.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is involved in 6 other cases, no case for grant of bail is made out. It has however been informed that the petitioner has been behind bars since last 1 year and 9 months and although 6 PWs out of cited 21 PWs have been examined, but now de-novo trial has commenced

consequent upon summoning of some additional accused.

5. I have considered rival submissions addressed before this Court. While refraining from making any expression as regards merits of the case and while keeping in view the incarceration suffered by the petitioner i.e. more than 1 year & 9 months and that as on date only 6 PWs out of cited 21 PWs have been examined and now de-novo trial has commenced consequent upon summoning of some additional accused, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to take some time.
6. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(GURVINDER SINGH GILL)
JUDGE

4.3.2020
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No