

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

CRM-M-18005-2020
Date of Decision: 18.08.2020

MOSIM KHANPetitioner

Versus

STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Mohd. Salim, Advocate,
for the petitioner.

Ms. Priyanka, AAG, Haryana.

SANT PARKASH J.(Oral)

Petitioner prays for bail pending trial in a criminal case arising out of FIR No.480 dated 13.11.2019, registered under Sections 186, 332, 353, 307 IPC and Section 25 of the Arms Act, 1959 at Police Station Kherki Daula, District Gurugram, Haryana.

Brief facts of the case are that on 13.11.2019, police party was present at baricade duty at village Bar Gurjar Ram Pura at Tauru road where, ASI Dharmender alongwith HC Rajat and Constable Rajesh came and informed about the stolen motorcycle bearing registration No. HR-26-DZ-5532 in case FIR No.684 dated 13.11.2019 and raised apprehension that aforesaid motorcycle might be taken towards Mewat side. On this baricade was laid. Upon three young men were seen coming towards the barricade side riding the stolen motorcycle. When

the police party tried to stop the motorcycle, the last pillion rider fired from his country made pistol but HC Rajat had a narrow escape. ASI Dharmender and other officials caught hold of motor cycle rider and the person who fired but the third one succeeded in fleeing. On interrogation, the person who fired disclosed his name as Junaid Khan son of Suleman resident of Kakan Khor, Bharatpur, Rajasthan and the person who was driving the motorcycle disclosed his name as Mosim Khan son of Pehlu Khan, resident of village Godhala, Punhana. They disclosed the name of third person as Musa Khan. Six live cartridges were recovered from the belt of Junaid Khan along with one country made pistol, whereas, stolen motor cycle and two master keys used for committing theft of vehicles were recovered from present petitioner.

Making out a case for regular bail, learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. Nothing else but the motorcycle was recovered from him. He has not been attributed with any injury and considering the fact that he is in judicial custody since 14.11.2019, the concession of bail be extended to him.

Opposing the contentions tooth and nail, learned counsel for the State prayed for dismissal of the bail application alleging that the offence committed by the present petitioner and the co-accused was very serious in nature as they had fired upon the police party.

This Court has heard the learned counsel for the parties and perused the file.

Admittedly, the petitioner is in custody since 14.11.2019. Even,

if the entire set of allegations of prosecution is considered to be a gospel truth, no fire arm shot or injury is attributed to the present petitioner. As per the allegations of the prosecution, the person, who fired upon the police party was Junaid Khan son of Suleman and not the present petitioner.

Taking into consideration the totality of the circumstances and without commenting on the merits of the case, it is considered as appropriate to release the petitioner on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial court/Duty Magistrate/Chief Judicial Magistrate.

**(SANT PARKASH)
JUDGE**

August 18, 2020
sonika

whether speaking/reasoned: Yes/No

whether reportable: Yes/No