

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-27424-2020

Date of Decision: 22.9.2020

Isha

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Abhinav Sood, Advocate
for the petitioner (s).

Mr. Kirpal Singh Thakur, AAG, Haryana.

KARAMJIT SINGH, J.(Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

The present petition has been filed under Section 439 Code of
Criminal Procedure for grant of regular bail to the petitioner in case FIR
No.165 dated 24.4.2020 registered for the offences punishable under
Sections 120-B, 186, 188, 269, 270, 307, 332, 353 of Indian Penal Code
(for short, "IPC"), Section 61 of Punjab Excise Act, Section 51 of Disaster
Management Act and Section 25 of Arms Act at Police Station City Palwal,
District Palwal.,

Heard.

The bail application is contested by the learned State counsel.

As per allegations recorded in the FIR, on 24.4.2020, an
information was received by the police in the area of committee chowk,
Palwal that the petitioner resident of Palwal who was involved in illegal sale

of liquor was transporting the liquor in Safari vehicle having registration No.HR29-AC-5139 escorted by Swift Dzire car having registration No.HR51-BB-3210 and they would go towards Sector 2 from Sohana road. On this, the police laid *naka* near Housing Board, Sector 2, Palwal. During the said *nakabandi*, the aforesaid two vehicles were seen coming which were signaled to stop but the driver of the Swift Dzire car tried to ran the same over the police officials who saved themselves by running away. However, constable Parmod sustained injuries. In the meantime, the petitioner who was driving Safari, while escaping from the spot fired at the police party. He was chased but the police officials failed to catch him. The driver of the Swift Dzire car took his vehicle towards the Housing Board Colony and succeeded in escaping while leaving the said car in the narrow street. On checking of the Safari vehicle which was left behind by the petitioner, 14 boxes of IMFL were recovered which included 5 boxes each containing quarters of Mcdowell, 5 boxes each containing halves of Mcdowell, one box of Mcdowell , two boxes each containing quarters of Imperial Blue, one box of quarters of Royal Stag regarding which no licence or permit was found in the vehicle.

During the investigation, it was found that said Safari vehicle belongs to the father of the petitioner but he has not been nominated as accused in this case till date. The aforesaid Swift Dzire car belongs to Rahul. Even the said owner has not been arraigned as accused in this case. Co-accused Islam who was allegedly driving the Swift Dzire car and who tried to ran it over the police officials, has already been granted anticipatory bail by the Coordinate Bench of this Court.

The petitioner was later on arrested in this case on 12.6.2020

and one country made pistol is alleged to have been recovered from him. The recovery of the aforesaid IMFL was not effected from the conscious possession of the petitioner. There are allegations that he fired shots at the time of the alleged occurrence but no empty cartridge was recovered from the spot. There are also allegations that he ran away from the spot after leaving behind Safari vehicle. In this case, no one sustained fire arm injuries. The injuries on the person of constable Parmod were found to be simple in nature.

The petitioner is in custody for the last more than 3 months. It is brought to the notice of the Court that the petitioner is on bail in two other criminal cases. In the present case, challan has already been presented but the trial is yet to commence as the case has not been committed so far.

In the given circumstances, I am of the view that it will be of no use if the petitioner is kept in custody for any further period.

Accordingly, without commenting on the merits of the case, this petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate, Palwal.

September 22, 2020

Paritosh Kumar

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No