

CRM-M-27877-2020

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

CRM-M-27877-2020

Date of Decision: 15.09.2020

SUNDER

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Keshav Pratap Singh, Advocate for the petitioner
Mr.Ashok Kumar Sehrawat, DAG Haryana

Deepak Sibal, J. (Oral)

Case taken up through Video Conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.174, dated 22.05.2020, registered under Sections 148, 149, 307, 506, IPC and Section 25 of the Arms Act, 1959 at Police Station Chandhat, District Palwal.

The case of the prosecution is that on 21.05.2020 at about 8.30 PM, the injured – Sanjay was standing outside his house when Subhash, Kamal, Rahul, Sunil along with two other persons came there on motorcycles and Sunil, who was armed with a country made pistol, fired at and injured Sanjay. Thereafter all the accused fled away from the spot. Such incident was alleged to have taken place due to disputes between the family of the injured and Sunil.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case; he is not named in the FIR; he has been nominated as an accused only on the disclosure statements of co-accused Sunil and Lokesh, which as per settled law have weak evidentiary value and even if the case of the prosecution is taken at its best no overt act is attributed to the petitioner.

It is not disputed that the petitioner is facing trial in the following two FIRs:-

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1. *FIR No.453 dated 06.12.2018 under Sections 148, 323, 307, 452, 506, 114 readwith Section 149 IPC and 25 of the Arms Act registered at Police Station Chandhat, District Palwal.*
2. *FIR No.454 dated 06.12.2018 under Sections 399, 402 IPC and 25 of the Arms Act, 1959 registered at Police Station Chandhat, District Palwal.*

In the above two FIRs the petitioner is accused of having committed offences including that of attempt to murder and preparation to commit armed robbery. While on bail in the above two cases, the petitioner is alleged to have committed the crime in which he seeks anticipatory bail through the present petition. Thus, the petitioner who is a habitual offender has misused the concession of bail.

In view of the above and for the reason that in the present case the petitioner is alleged to be part of an unlawful assembly a member of which allegedly attempted to murder one Sanjay by firing at and injuring him which is a very serious allegation, the petitioner's custodial interrogation is considered necessary.

Dismissed.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

15.09.2020

gk

(Deepak Sibal)

Judge

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No