

**Sr.No.206**

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

**CRM-M-28180-2020**

**Date of decision:21.09.2020**

**Sahil**

**... Petitioner(s)**

**versus**

**State of Haryana**

**... Respondent (s)**

**Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri**

**Present:** Mr. Vineet Chaudhary, Advocate  
for the petitioner.

Mr.H.S.Sitta, Addl.AG, Punjab.

**Jasgurpreet Singh Puri, J.(Oral)**

Present application has been filed for seeking regular bail in FIR No.275 dated 21.12.2019 for the offences punishable under Sections 186, 307, 353, 34 of Indian Penal Code, 1860 and Sections 25, 54, 59 of Arms Act, registered at Police Station Sector 13/17, Panipat.

Petitioner herein namely, Sahil has filed the present petition for the grant of regular bail. The allegations which have been contained in the FIR are that Head Constable Madan while patrolling on government vehicle near Ansal Sushant City, received a secret information that three young boys who had earlier committed crimes in Panipat, are armed with weapons standing near Nizampur Culvert and they could be apprehended red handedly if raided upon immediately. It has been stated in the FIR that he informed his colleagues and reached the spot as told by the secret informer where they saw three young men were standing near culvert(pull). When they alighted from the government vehicle then one boy out of those

opened the fire with an intention to kill which hit the window of the vehicle, the police official immediately came out of the vehicle and took cover behind the vehicle and immediately conveyed the information to the Control Room Panipat for sending appropriate force and made an announcement asking the boys to drop their weapons telling them that they are police and immediately one of the boys pointed his weapons towards the police party. Then constable Manjeet fired two bullets, defending himself which hit one of the boys. That boy fell on the ground and the two other co-accused of the injured boy taking the benefit of darkness escaped from the force. The injured boy shouted that he want to surrender and threw weapon from his hands on the ground. After that, police reached near him and saw in the mobile light that the boy who had fallen on the ground told his name as Pankaj. His foot was bleeding and immediately after that, an ambulance was called and he was taken to the hospital. During investigation, he said that Pankaj was caught from the spot and named two other boys Deepak @ Makala, Sahil @ Santy and Prasann @ Lambu. Consequently, all of them were apprehended.

Learned counsel for the petitioner has submitted that the petitioner has been wrongly roped in the present case and therefore, his case may be considered for grant of bail. He has submitted that the present FIR is the result of old grudge of the police with Pankaj and in order to take revenge from the Pankaj the present FIR has been wrongly lodged against him. He has further submitted that the name of the petitioner has been nominated on the basis of the disclosure statement of the said Pankaj. He has further submitted that in the present case challan has already been presented and it is now fixed for framing of charges and therefore, prays for

consideration of grant of bail. He has further submitted that the custody of the petitioner is 09 months.

Per contra, learned State counsel has submitted that the matter is very serious in nature. It is a case where police party on secret information had reached the spot where they were attacked by the accused persons and cross firing took place in which the one of the accused namely Pankaj was injured by bullet, who thereafter was taken to the hospital. He has further submitted that on the investigation he had named the other accused persons and the mere fact that the petitioner was named in the FIR on the basis of disclosure statement does not *ipso facto* entitled him for grant of bail. He has further submitted that the present petition has attained seriousness in view of the fact that armed attack was made on the police party and he has further also pointed out that present petitioner is a habitual offender and has another case under Section 452/506/34 IPC and Section 35 of Arms Act pending against him and has further submitted that the petitioner would not be entitled for any bail particularly in view of the fact that even the complainant is yet to be examined apart from the other material witnesses and therefore, has vehemently opposed the grant of bail to the petitioner.

I have heard the learned counsel for the parties and perused the available record.

As per the allegations contained in the FIR the police party was allegedly attacked by the accused persons and one of the accused Pankaj was injured at the time of cross fire which took place between the police party and the accused persons. The mere fact that the petitioners name was nominated on the basis of disclosure statement made by Pankaj who was

caught from the spot wounded by the police party would certainly not become the only ground for grant of bail to the petitioner. Even if the custody of the petitioner is 09 months that would also not become the only ground for the grant of bail to the petitioner particularly in view of the fact that after the presentation of the challan no witness has been examined and not even the complainant. Apart from this the present petitioner is involved in another case pertaining to Section 452/506/34 IPC and Section 35 of Arms Act and therefore, considering the totality of the circumstances of the present case and without meaning anything on the merits of the case, this Court does not fit it proper to grant bail to the petitioner at this stage.

In view of the above, the present petition is dismissed. However, nothing stated hereinabove, shall be construed to be an expression on the merits of the case.

**21<sup>st</sup> September, 2020**

Shivani Kaushik

**[JASGURPREET SINGH PURI]  
JUDGE**

*Whether speaking/reasoned*      *Yes/No*

*Whether Reportable*              *Yes/No*