

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

Sr. No.201

**CRM-M-36090-2020
Date of Decision: 11.11.2020**

VIKASH @ KALA GUJJAR

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Balraj Gujjar, Advocate,
for the petitioner.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

This is second petition filed by the petitioner under Section 439 Cr.P.C. thereby seeking regular bail in case bearing FIR No.288 dated 13.07.2019 under Sections 395, 397, 201, 34 of Indian Penal Code and Section 25 of Arms Act, registered at Police Station Chandhuti, District Palwal.

As per the version of the prosecution, on 13.07.2019, complainant-Baldev son of Rajender along with Luxman, gunman, were sitting at the petrol pump. In the meantime, a white car came from Chajju Nagar side, in which 6-7 young persons were sitting and they came to the petrol pump and attacked them with various weapons and committed loot of mobile phone as well as Rs.5000-6000/- from the pocket of the

complainant. They also looted mobile phone and gun of Luxman. The assailants were having covered faces at that time and they had come with an intention to kill them and committed the loot.

Now, it is submitted by learned counsel for the petitioner that FIR was against unknown persons and the present petitioner has only been nominated as accused, at the instance of fellow accused. Also, it is submitted that he is 19 years old and only recovery of country-made pistol has been effected at his instance, though the same has never been used in the alleged occurrence. As such, a prayer has been made for grant of regular bail.

Notice of motion.

Mr. Gagandeep Singh, Assistant Advocate General, Haryana, accepts notice on behalf of respondent-State and resists the claim for grant of regular bail to the petitioner. He submits that there is active involvement at the instance of petitioner in the occurrence in question and the allegations are of serious nature. He also submits that challan has though, been presented, but the charge has yet not been framed. Keeping in view the initial stage of the criminal case, he has made a prayer for dismissal of the instant petition.

Considering the aforesaid fact situation and also considering the seriousness of the allegations and the manner in which the occurrence has been caused, no case is made out for grant of regular bail to the petitioner, at this stage, more particularly when the case is at initial stage, where charge has yet not been framed and the statement of material witnesses is yet to be recorded.

Though the plea of false implication has also been raised, but however, suffice to consider the recovery of country-made pistol at the instance of the present petitioner. At this stage, no case is made out for grant of regular bail. Consequently, the instant petition is hereby dismissed.

(ARCHANA PURI)
JUDGE

11.11.2020
Himanshu

Whether speaking/reasoned	Yes
Whether reportable	No