

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

CRM M-37638 of 2020

Date of Decision : December 22, 2020

Yusuf Khan

...Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Mohammad Arshad, Advocate
for the petitioner.

Mr. Sumit Gupta, Addl. A.G. Haryana.

FATEH DEEP SINGH, J.

The matter has been taken up through Video-conferencing on account of outbreak of pandemic Covid-19.

Petitioner Yusuf Khan has moved this third regular bail application under Section 439 of Cr.P.C. in FIR No. 104 dated 17.05.2019 under Sections 307 and 34 IPC registered at Police Station Bahin District Palwal.

The allegations have come about from complainant Khalid father of injured Sharafat Ali. It is alleged that on 16.05.2019 he and his son, the injured were present in the house and, thereafter, he left for Masjid where he received a call from injured son that he has been shot at in the area of village Jhanda. The complainant alongwith his father upon coming to know that he has been rushed to a hospital at Faridabad they also left for the hospital.

During the course of time, it was revealed that the injured was taken away by Shaukat Ali to a jungle near village Jhanda where he was shot out of a plan hatched by Sokat in connivance with Saddam, Mushtafa @ Kala and an unidentified person.

Upon the injured regaining consciousness, the injured made a statement intimating that when he was sleeping at house was taken away by accused Sajid @ Hathi alongwith two companions namely Yusuf and Sokat in a car for some urgent work. After taking him to forest area near village Jhanda saw accused Bilal and his two friends Mustafa @ Kala and Saddam already standing there quarrelling over division of money so stolen. When the injured reached at the spot he asked from where the money was stolen on which he has alleged that Bilal asked his companion Sajid @ Hathi to shoot him and when he tried to point

his weapon a pistol it is alleged that Mustafa @ Kala snatched pistol from Sajid @ Hathi and fired hitting on the chest of the injured who fell down.

Shri Mohammad Arshad, learned counsel for the petitioner *inter alia* contends that the petitioner is not named in the FIR nor any role is attributed to him and so is in the statement under Section 161 Cr.P.C. of the injured. It is contended that the petitioner is behind the bars since 01.06.19 and that the trial is not likely to be accomplished in near future.

Shri Sumit Gupta, Additional A.G. Haryana has strongly opposed the bail on the grounds that all the accused are co-criminals and had detailed at length their criminal activities. It is alleged all these accused had stolen money after ripping open an ATM in the area of Rajasthan and were dividing the booty when a dispute arose over it leading to this assault. It is contended that the petitioner who is a vagabond and if allowed bail is likely to commit more heinous offences.

Appreciating the submissions, what has transpired during the course of arguments adequately reflects that the petitioner and so the injured are hardened criminals who have committed various offences including robberies/dacoities. The premise on the basis of which submissions have come from the petitioner's counsel as to the petitioner being not named in the FIR

or role in the commission of the offence and his long period of incarceration do not impresses the Court much. As is obvious, the petitioner and so the complainant are members of the same gang committing heinous offences in the neighbouring State, thus, in view of the apprehension expressed by the State that if allowed bail there is every likelihood that the petitioner might abscond or commit more heinous offences is not uncalled for.

In view of the foregoing discussion, this Court is not inclined to allow the present application. The same as such is dismissed.

December 22, 2020

amit rana

(FATEH DEEP SINGH)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No