

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

213

CRM-M-41121-2020

Date of Decision:-22.12.2020

SALMAN KAYYUM

....Petitioner

VERSUS

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Robin Lohan, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, DAG Haryana.

MANOJ BAJAJ, J. Oral

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.421 dated 27.07.2020 under Section 307 IPC 1860 & Section 25/54 of Arms Act 1959, Police Station Ballabgarh City, District Faridabad. He apprehended his arrest at the hands of Police in the above said FIR.

On 09.12.2020 the following order was passed:-

“Case has been taken up for hearing through Video Conferencing.

This petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to petitioner in case FIR No. 421 dated 27.07.2020 under Section 307 IPC and Section 25 of Arms Act, registered at Police Station Ballabgarh City, District Faridabad.

Notice of motion.

At the asking of Court, Mr. Vikrant Pamboo, DAG, Haryana, accepts notice on behalf of respondent-State and seeks time to furnish detailed reply. Complete copy of paper book be supplied to him during the course of the day.

Adjourned to 22.12.2020.

Reply be respondent-State be filed before the Registry of this Court well before the date fixed with copy in advance to learned counsel for the petitioner.”

In compliance to the said order, reply by way of affidavit of Sh. Jaiveer Rathee, HPS., Assistant Commissioner of Police, Ballabgarh, Faridabad on behalf of respondent-State has been filed. The same is taken on record.

Learned counsel for the petitioner contends that the complainant has sworn an affidavit and clarified that the name of the petitioner was mentioned inadvertently by him to the police. He submits that in view of the stand of complainant, the petitioner be released on anticipatory bail in the above FIR.

On the other hand the Ld. State counsel has opposed the prayer and has referred to the contents of the reply. According to him, the petitioner is the person who caused gun shot injury to the complainant.

After hearing the learned counsel for the parties and considering the above background, this Court finds that the name of the petitioner figures in the FIR and allegations against him are serious therefore, this Court does not deem it a fit case for extending the extraordinary concession of pre-arrest bail to the petitioner.

Dismissed.

22.12.2020
monika*

(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No