

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

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CRM-M-29015-2021

Date of Decision : November 15, 2021

MUKESH

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Sumit Sangwan, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.71 dated 15.3.2020 under Sections 307, 34 IPC and Section 25 of the Arms Act, 1959 (During investigation Section 34 IPC, 1860 was deleted), Police Station Badhra, District Charkhi Dadri.

The learned counsel for the petitioner has submitted that in the present case, the petitioner has been falsely implicated. He submitted that there were three accused in the FIR and the challan has been presented only against the petitioner and not the other two persons. He further submitted that although the petitioner is involved in many other cases but in the present case the petitioner was falsely implicated and he is in custody from 6.1.2021 and has, therefore, prayed for the grant of regular bail to the petitioner.

On the other hand, Mr. Arya, learned Addl. Advocate General, Haryana has submitted that it is a case where direct allegations have been attributed to the petitioner that the petitioner with an intention to kill had fired shot with the weapon in his hand and one bullet crossed the back mirror and hit near the driver. The middle mirror also crossed and hit the front mirror. He submitted that the TATA Nexon car which was being driven by the petitioner and co-accused alongwith weapon has been recovered from the petitioner. He further submitted that the petitioner is involved in 15 other similar kind of cases, the details of which have been mentioned in para No.8 of the petition. Out of the 15 cases mentioned in para No.8 of the petition, the petitioner was convicted in FIR No.135 dated 17.5.2010 under Sections 364, 285, 302, 120B IPC and Sections 25-54-59 of the Arms Act and in one other case FIR No. 98 dated 18.5.2021 under Section 3/25 of the Arms Act, the petitioner was convicted under the Arms Act and in another case FIR No. 108 dated 20.6.2011 under Section 174-A IPC. He submitted that in the present case, no prosecution witness has been examined and that in case the petitioner is granted bail then there is every likelihood that he may repeat the offence and he may even abscond from justice and has, therefore, vehemently opposed the grant of bail to the petitioner.

I have heard the learned counsels for the parties.

The present is a case where although the petitioner is in custody from 6.1.2021 but no prosecution witness has been examined. The allegations against the petitioner as per the FIR are that he had fired shot with the weapon that crossed the back mirror and hit near the driver.

So far as the antecedents of the petitioner are concerned, he is involved in 15 other cases out of which he is even convicted in 3 cases and as per the learned State counsel out of which one pertained to Section 302 IPC and other pertained to the Arms Act. The plea raised by the learned State counsel that in case the petitioner is released on bail then there is every possibility that he may flee from justice and even may repeat the offence does carry weight.

In view of the above, this Court does not deem it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is dismissed.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

November 15, 2021

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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No