

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-26750-2020 (O&M)
Date of Decision:-24.2.2021

Mustkeem ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Meenakshi Singh, Advocate for
Mr. Nafeesh Ahmed, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by ASI Rajiv.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.314 dated 11.11.2019 at Police Station I.M.T. Rohtak, District Rohtak under Sections 25, 54 of Arms Act and Sections 186, 307, 336, 353, 379, 411 and 427 of Indian Penal Code.
2. As per the case of prosecution, on 11.11.2019 ASI Nafe Singh received telephonic information to the effect that a truck bearing registration No.HR-47C-5397, in which two persons were sitting had been signaled to stop but upon noticing the police party the driver sped away the truck towards

Rohtak and it seems that the truck in question had been stolen. Upon receiving the said information barricading was held near T-point. When the truck bearing registration No.HR-47C-5397 was noticed coming from the side of Sampla, the same was signaled to stop, but the truck driver instead of stopping the truck tried to run over the ASI and other members of the police party with an intention to kill them and the person sitting on the conductor side fired upon the police party. The ASI and the police personnel, however, managed to escape by jumping away from the road. The truck in question was chased by the police. The truck hit against a Ritiz Car bearing registration No.HR-12U-6626 and also against cycle of one Ram Niwas and damaged the house of Ajit Singh as well as Baleno Car bearing registration No.HR-95-7729, which was parked inside the house. The police was able to nab the occupants of the truck, who disclosed their names as Aarif being the driver and Mustkeem being the conductor. It is further the case of prosecution that Mustkeem was found to be carrying a country made pistol alongwith live cartridge.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that even if the allegations as levelled in the FIR are taken to be correct, it is the co-accused Aarif, who was driving the truck and who can be said to have made an attempt to run over the truck over the police party and had rammed the truck into a car, a cycle and a house, where another car was parked. It has been submitted that the allegations pertaining to apprehension of the accused at the spot or recovery of country made pistol alongwith live cartridge are false.
4. Opposing the petition, learned State counsel has submitted that since the petitioner was caught red handed at the spot while accompanying the driver

of the truck, which had made a murderous assault on the police party and had caused damage to various cars and a house, no case for grant of bail is made out particularly when the petitioner was also found in possession of a country made pistol and is alleged to have fired at the police party. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last 1 year and 3 months and that the petitioner stands involved in one more case. It has further been informed that till date no prosecution witness has been examined.

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that it is not the petitioner, who was driving the truck in question, which had tried to run over the police party or had rammed into two cars and into a house. Although, the petitioner is alleged to be sitting in truck and carrying a country made pistol and is alleged to have fired at the police party but none was found to be injured with the alleged firing. In any case, the petitioner as on date has been behind bars since the last 1 year and 3 months and conclusion of trial is likely to consume time as not even a single PW has been examined till date. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

24.2.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No