

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

213

**CRM-M-33129-2020(O&M)
Decided on : 28.01.2021**

AMIT MALIK

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Satbir Rathore, Advocate
for the complainant.

Ms. Tanushree Gupta, DAG Haryana
assisted by ASI Chunni Lal.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.129, dated 22.06.2020 under Sections 148, 149, 323, 307 and 452 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 registered at Police Station Chhappar, District Yamuna Nagar.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand and the essential ingredients to attract the mischief of Section 307 IPC are not made out, as the injury attributed to the petitioner is on a non-vital part. It has further been submitted that the petitioner has been in custody since 26.06.2020 and charges are yet to be framed. Hence, he may be extended the concession of regular bail.

Per contra, learned State counsel while opposing the prayer and submissions made by the learned counsel for the petitioner on instructions

from ASI Chunni Lal has invited the attention of this Court to the contents of the FIR wherein not only the petitioner has been specifically named by the complainant but a specific role has been attributed to him with respect to he having fired with firearm, which he was carrying on his person at the time of the alleged occurrence. Learned State counsel has further submitted that pursuant to his disclosure statement, country-made firearm used in the occurrence in question was recovered from him along with empty cartridge. Learned State counsel has also apprised the Court that the petitioner is a man of criminal antecedents as there are as many as 12 other criminal cases registered against him.

Heard.

In view of the submissions made by the counsel for the parties, no ground is made out to extend the concession of regular bail. Dismissed accordingly. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 28, 2021

S.Sharma(syr)

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