

111

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46223-2021 (O&M)
Date of Decision: 17.11.2021

State of Haryana

.. Petitioner

Vs.

Krishan @ Ford

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Pawan Girdhar, Addl. A.G., Haryana and
Mr. Bhupender Singh, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

This petition has been filed under Section 439(2) Cr.P.C. read with Section 482 Cr.P.C. for cancellation of regular bail granted to respondent vide order dated 13.05.2021 (Annexure P-2) in FIR No.191 dated 09.10.2020, registered under Sections 147, 148, 149, 307, 323, 384, 506 and 120-B IPC and Section 25 Arms Act, at Police Station Jhojhu Kalan, District Charkhi Dadri.

Learned State counsel has argued that the Court while extending the concession of regular bail to the accused/petitioner has not considered his antecedents, who is involved in other cases and the detail is given in para 7. According to him, the offence punishable under Section 307 IPC was committed while he was on bail in other cases. He prays that the order dated 13.05.2021 granting regular bail to the petitioner, is not justified, therefore, the order deserves to be set aside.

After hearing the learned State counsel, this Court finds that the trial Court while granting the concession of regular bail to the petitioner,

has made following observations:

“4. After having heard learned counsel for the petitioner-accused and learned Public Prosecutor, this Court observes that two incidents have been stated occurred with regard to the case in hand. No police report or any complaint was moved by anyone qua the first alleged incident. Though name of petitioner-accused has surfaced in the FIR qua the incident of dated 07.10.2020 and 08.10.2020 but there is no recovery of any fire arm weapon from petitioner-accused connecting him at this juncture to the incident of firing, wherein one person was injured. There has been only one injured in the case, who received single firearm injury and that injury has not been attributed to the petitioner-accused. Rather, the allegations of firing and firearm injury have been attributed to coaccused Rohit, Prakshit and Manish. The recovery of scorio vehicle bearing No.DL-8CAC-2863 has been shown effected from the petitioneraccused but that vehicle was recovered from Najafgarh. The place at Najafgarh has not been connected to petitioner-accused during investigation either owned or possessed by him. Moreover, there is nothing on record till this stage showing ownership of the scopio vehicle either in the name of petitioner-accused or his family members. In criminal cases, which have been reflected in the reply to bail application, the petitioner-accused is on bail as fairly admitted by the Investigating Officer. Petitioner-accused is in custody since 02.12.2020. Investigation of the case has already been completed by submitting challan of the case. Not only the conclusion of trial of the present case but also the initiation of trial will take time in view of the situation arisen due to pandemic COVID-19 and no useful purpose will be served by detaining the petitioner-accused in custody for further period.”

A bare reading of the above reveals that the trial Court had carefully examined the case file as well the arguments of both the sides before extending the concession of regular bail to the accused. The Court has exercised the discretion by considering all the material aspects and, therefore, the order dated 13.05.2021 does not warrant any interference. Apart from it, during the course of hearing, it is also not disputed by learned State counsel that the concession of bail has not been misused by the petitioner, which was extended to him during peak of the second wave of COVID-19, which resulted in restricted judicial function and the trials were

also delayed.

Consequently, no ground is made out for exercise of jurisdiction under Section 439 (2) Cr.P.C. for cancellation of bail.

Dismissed.

17.11.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No