

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

225

(Through Video Conferencing)

CRM-M-51772-2021

Date of decision: 16.12.2021

Jaideep @ J.D.

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ravinder Malik, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.598 dated 08.11.2018 lodged under Sections 148, 149 and 307 IPC and Section 25 of the Arms Act, 1959 (Sections 120B and 34 IPC added lateron) registered at Police Station Rohtak Sadar, District Rohtak.

Learned counsel for the petitioner is seeking the concession of bail on parity with co-accused Pardeep, who has since been extended the concession of bail by this Court on 21.05.2019. Learned counsel submits that the petitioner has been in custody since 27.02.2019 and the trial has not been able to make much progress as only 02 out of the 24 prosecution witnesses have been examined till now. He submits that 03 other persons, who too were named in the FIR in question, during investigation were found innocent and placed in column No.2. Learned counsel submits that it is a case of false

implication because the complainant had tried to implicate other persons also, who as already submitted, were found innocent during investigation. He submits that he was extended the concession of interim bail earlier with effect from 02.05.2020 to 17.05.2020 which was then further extended till 15.06.2020 and he never misused the same. Hence, he be extended the concession of bail as his further incarceration would serve no useful purpose.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from SI Jaswant Singh, has submitted that the case of the petitioner is not at parity with his co-accused Pardeep, who was extended the concession of bail vide order dated 21.05.2019 by this Court. She, on instructions submits that recovery of country made weapon along with a cartridge was effected from the petitioner. While drawing the attention of this Court to the allegations levelled in the FIR in question, it has been submitted that not only was the petitioner named but specific and serious allegations were levelled against him of having fired on the brother of the complainant as a result of which he received bullet injuries on a vital part of his body i.e. his back. She has opposed the prayer of the petitioner also in the wake of his criminal antecedents as he is involved in one more FIR No.46 dated 26.01.2019 lodged under Sections 398 and 401 IPC and Sections 25/54/59 of the Arms Act, 1959. Learned State counsel still further submits that no doubt three persons were declared innocent during investigation, however, during trial an application has now been moved under Section 319 Cr.P.C. for summoning them, as additional accused, to face trial

along with other accused, including the petitioner, who had already been sent up to face trial.

I have heard learned counsel for the parties and perused the material placed on record.

There are serious and specific allegations against the petitioner of being a part of an unlawful assembly. It prima facie appears to be a premeditated attack since the petitioner along with his accomplices came to the spot armed with lethal weapons including fire arms from which he fired at brother of the complainant. In the facts and circumstances, this Court does not deem it fit to extend the concession of bail to the petitioner.

Dismissed.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

16.12.2021

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No