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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1038-2022
Date of Decision:03.02.2022

Amit @ Mittu

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Abhishek Sindhwani, Advocate, for the petitioner.

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

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

This is the second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.59 dated 16.03.2019, under Sections 307,420,419,201,34, 506 of Indian Penal Code, 1860 and Section 25/54/59 of Arms Act, 1959, registered at Police Station Julana, District Jind.

The learned counsel for the petitioner has submitted that previously the petitioner has filed a regular bail application before this Court vide CRM-M-41577-2020 and the same was dismissed as withdrawn on 29.01.2021. He further submitted that in the present case the petitioner was named in the FIR and the allegation against the petitioner was that he had fired a shot from a country made pistol. He further submitted that the

petitioner may be granted the concession of regular bail in view of the long custody of the petitioner as he is facing incarceration from 27.06.2020. He further submitted that he has filed the second bail application in view of the fact that now on 23.11.2021 vide Annexure P-3 a compromise has been effected between the parties.

On the other hand, Mr. Ranvir Sing Arya, learned Additional Advocate General, Haryana has opposed the grant of regular bail to the petitioner on the ground that the petitioner is the main accused who had fired shot from the country made pistol which was thereafter recovered with five live cartridges. He further submitted that the petitioner does not have clean antecedents and he is involved in as many as six other cases. He referred to para No.12 of the petition in which the petitioner himself has given a list of the other cases pending against him, although the petitioner is stated to be acquitted in three cases but the remaining cases are still pending against the petitioner. He further submitted that five of the total aforesaid six cases pertain to Arms Act as well and in the present case also the petitioner has used country made pistol and fired a shot on the injured. He further submitted that in the present case the petitioner was declared as P.O and thereafter, he was arrested and, therefore, considering the conduct of the petitioner and his antecedents, he may not be granted the concession of regular bail.

I have heard the learned counsel for the parties.

The petitioner is although is in custody from 27.06.2020 but the petitioner was involved in as many as six cases, out of which in three cases he was acquitted but the remaining cases are pending against the

petitioner and out of the six cases, five cases pertain to Arms Act and in the present case as well he is involved under the Arms Act and the allegation against the petitioner was that he had fired from a country made pistol and which was ultimately recovered by the police. The reliance made by the learned counsel for the petitioner on the compromise which has been effected with the complainant would not be of any avail to the petitioner in view of the factual position and also in view of the fact that there can be no compromise when the provisions of Section 307 IPC and Arms Act are involved unless in such circumstances when it can be shown that on the face of it Section 307 IPC and Arms Act are not made out. Furthermore, as per the learned State counsel in the present case, the petitioner was declared as P.O and thereafter, he was arrested by the police and, therefore, considering the antecedents and conduct of the petitioner, he does not deserve the concession of regular bail.

In view of the above, the present petition is dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

03.02.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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