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

**CRM-M-5066-2022
Date of Decision: 11.02.2022**

Mohan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Satish Chaudhary, Advocate,
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.102 dated 15.04.2021 registered under Sections 332, 353, 307 & 34 of the IPC and Sections 25/54/59 of the Arms Act at Police Station Sadar Tauru, District Nuh.

As per the FIR, the Police was given a secret information that one Javed @ Jahid of District Nuh along with his accomplices, namely, Mohan (Petitioner), Gajender @ Gajju and Ashok @ Gabbar, who are the persons of criminal nature and Javed @ Jabid is carrying reward of Rs.50,000/- on his head at Police Station Okhla Delhi, and has committed so many crimes, at

present they are sitting inside of isolated room (Kotha) in front of Khushal Agricultural Farm main road Tauru Khorl and are eating and drinking and if the said place is raided immediately then they can be apprehended. Thereafter, the police party conducted a raid at the place and one tall young man on seeing the police party armed with country made pistol came out and fired straight at Sub Inspector and other Police Officials with intention to kill, all the employees rescued themselves taking help of obstruction and the Sub Inspector also fired in the air from Government Pistol to stop the boy from making another fire and the said boy had thrown a country made pistol near the wall and made an attempt to climb over the wall and jumped down in deep ditch and was nabbed with very difficulty by the police party and on enquiring he told his name to be Javed @ Jahid. Another boy was also coming out of room straight way fired from pistol on the police party with intention to kill which missed the ear of ASI Israil and thereafter, the said boy was also nabbed and he told his name to be Gajender @ Gajju and thereafter, two more boys were also nabbed and on being enquired regarding their names they told their names to be Mohan (Petitioner) and Ashok and they also scuffled and had beaten up the employees while they were being caught by the police.

Learned counsel for the petitioner has submitted that in the present case, the petitioner is in custody from 15.04.2021 and the Charges have been framed but no Prosecution Witnesses have been examined yet. He further submitted that even as per the FIR there is no role attributed to the petitioner and therefore, considering the custody of the petitioner he may be considered for the grant of concession of regular bail.

On the other hand, Mr. Ranvir Singh Arya, learned Additional

Advocate General, Haryana, has submitted that it is a case where on information the Police had raided the place where the petitioner along with other co-accused out of which one co-accused Javed @ Jahib on whom reward has been kept by the Delhi Police were nabbed. Two of the co-accused, namely, Javed @ Jahib and Gajender @ Gajju had fired upon the Police Party and thereafter they were caught and remaining two persons out of which one of the accused was petitioner, namely, Mohan was also nabbed on the spot. He also submitted that mere fact that as per the allegations the petitioner did not fire, cannot become a ground for grant of concession of bail to the petitioner in view of the fact that he was a part and parcel of the party, who were found on the spot and was nabbed from the spot and therefore, the petitioner is not entitled for grant of regular bail. He further submitted that no witnesses have been examined as on date and there is a likelihood in case the petitioner is released on bail then he may abscond and may influence the witnesses. He also submitted that the apprehension that petitioner may abscond from justice or may influence the witnesses, is also based upon the antecedents of the petitioner, who does not have clean antecedents and is involved inasmuch as three cases i.e. FIR No.323 of 2016, registered at District Alwar, Rajasthan, FIR No.4 of 2017, registered at Police Station Sadar, Gurgaon and FIR 104 of 2017, registered at Sector-40, Gurgaon and all the three FIRs are registered under Sections 379 & 380 of the IPC. He has, therefore, vehemently opposed for the grant of regular bail to the petitioner.

I have heard learned counsel for the parties.

As per the allegations, the petitioner was nabbed along with other three co-accused out of which two of the co-accused had fired upon the police

party from the country made pistol and all the four were nabbed by the Police. No prosecution witnesses have been examined as of till date. The petitioner is also involved in three other cases. The apprehension expressed by the learned Additional Advocate General, Haryana, that there is a likelihood that if the petitioner is granted regular bail then he may abscond from justice or may influence the witnesses does carry weight. Apart from the same in view of the seriousness and the gravity of the offence, this Court does not deem it fit and proper to grant bail to the petitioner. Consequently, without observing anything on the merits of the case, the present petition is hereby dismissed.

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

11.02.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |