

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8035-2022
Reserved on: 23.03.2022
Pronounced on:20.04.2022

Ajit Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

Ms. Tanushree Gupta, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
126	21.04.2019	Nissing, District Karnal	120-B, 148, 149, 302, 323, 324, 452 IPC and 25, 54, 59 of Arms Act

1. The petitioner, incarcerated upon his arrest has come up before this Court under Section 439 of Cr.P.C, seeking bail.
2. In paragraph 15 of the petition, it is declared that the accused has no criminal history.
3. Ld. Counsel for the petitioner contends that the co-accused has been released on bail by this court in CRM-M-45233-2021, decided on Feb 8, 2022, and the petitioner is also entitled to bail on the grounds of parity. Ld. counsel further submits that relying upon the order passed in CRM-M-45233-2021, decided on Feb 8, 2022, accused Amit was also given bail in CRM-M-746-2022, decided on 18-2-2022.
4. While opposing the bail, the contention on behalf of the State is that crucial witnesses are yet to be examined.

REASONING:

5. A perusal of the petitioner does not contain the copy of the challan filed by the police and received by the petitioner under section 207 CrPC. Had the accused not received the documents in compliance with S. 207 CrPC, this Court would have certainly asked the respondent to produce the same. However, the petitioner does not claim the

non-receipt of the challan. The accused receives copies of the Police report and the copies of the statements of witnesses free of cost.

6. The allegations in the case are serious and the offence heinous. To decide the bail petition to know that whether the petitioner's case is covered on parity or not. **The reliance is placed on CRM-M-45233-2021, decided on Feb 8, 2022, however it's copy has not been annexed with the petition.** Apart from this order on which the petitioner seeks bail on parity, this court needs to scan through the police report and statements of all the prosecution witnesses, who have testified in the trial. The petitioner has neither annexed the copy of the police report filed under Section 173(2) CrPC, nor does he say that the Trial Court did not supply the same to him under S. 207 CrPC. There is no ground pleaded or explanation offered regarding reasons that constrained the petitioner from annexing those while filing the petition. Thus, the Court cannot decide the bail petition.

7. Given above, in the facts and circumstances peculiar to this case, the petition is closed. However, the petitioner shall be at liberty to file a new petition on the same cause of action by annexing a copy of the police report and all necessary documents.

Petition dismissed in aforesaid terms. Liberty reserved to file fresh after annexing all documents as mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

20.04.2022
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.