

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11853-2022
Reserved on: 08.04.2022
Pronounced on: May 10, 2022

Vadil alias Bhura ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

Mr. Rajat Gautam, DAG, Haryana

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0394	21.09.2021	Industrial Sector 29, Panipat, District Panipat	302 IPC 1860 and Section 25 of the Arms Act, 1959 (Section 120-B, 216 IPC added later on)

1. The petitioner, incarcerated upon his arrest has come up before this Court under Section 439 CrPC, seeking bail.
2. In paragraph 5 of the bail petition, the accused declares that he has no criminal antecedents.
3. The petitioner is not named as a suspect by the complainant, who specifically named Galib as the assassin.
4. Ld. Counsel for the petitioner contends that the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
5. Ld. counsel representing the State opposes bail.

REASONING:

6. Although the petitioner has not been named as a suspect, yet it is incumbent upon this court to peruse the police report filed under section 173 CrPC, which has not been attached with the petition. 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.

7. The allegations in the case are serious and the offence heinous. To decide the bail petition on merits would require this Court to peruse the evidence collected by the prosecution. 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.

8. 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. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)

JUDGE

May 10, 2022

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Whether speaking/reasoned: Yes

Whether reportable: No.