

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

CRM-M-18696-2021

Date of Decision: 25.02.2022

Sagar Malik @ Shooter

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Anshumaan Dalal, Advocate,
for the petitioners.

Mr. Neeraj Poswal, AAG, Haryana

AMOL RATTAN SINGH, J. (ORAL)

This petition has been filed under the provisions of Section 439 of the Cr.P.C., for grant of 'regular bail' to the petitioner in case FIR No. 401 dated 08.10.2020, registered at Police Station Sadar, District Rohtak, for the alleged commission of offences punishable under the provisions of Sections 307/34/201/506/341 of the IPC and Sections 25/27 of the Arms Act. 1959.

A copy of another affidavit, dated 15.01.2022, executed by the SP, Rohtak, has been filed in court today by learned State counsel, which is ordered to be taken on record.

As per the said affidavit, the result of the DNA analysis (reference the observation of this court in the order dated 06.12.2021), has been received; from which it is established that the DNA profile of the victim (complainant) matches with the DNA profile of the cotton wool swab that was collected from the vehicle in which the victim (Rahul) was travelling, as per the FIR; and

consequently, the SP has stated that the FSL report conclusively proves that “they are of the same biological origin”.

Learned counsel for the petitioner however submits that even if that is to be accepted at face value, eventually the injuries on the person of the victim, even as per the MLR, are only abrasions and with the petitioner having been admitted to interim bail vide an order of this court dated 15.07.2021, on that very ground, the said order may be made absolute, with even the report under Section 173 of the Cr.P.C. having been now submitted to the competent court.

He also submits that in fact even the said injuries were not caused by the petitioner as per the FIR, but by his co-accused Sahil @ Chhota (petitioner in CRM-M-40955 of 2021).

Learned State counsel on the other hand submits that there being three other criminal cases registered against the petitioner, he does not deserve to be admitted to bail.

However, learned counsel for the petitioner points to the fact that those other three cases pertain to: snatching in the year 2019, offences punishable under Sections 323/341/506 of the IPC, also in the year 2019, and under the provisions of the Arms Act alone, in the year 2020.

Without making any comment whatsoever on the actual merits of the case, looking at the nature of other offences that the petitioner is alleged to have committed (as per the other FIRs), and the fact that in the present case the injuries are eventually only abrasions though of course if made with a fire arm it would amount to a very serious offence; however the petitioner having been

in custody already for 7 months at the time that he was admitted to interim bail, the petition is allowed and the order admitting the petitioner to interim bail is made absolute, on the same terms and conditions.

February 25, 2022	(AMOL RATTAN SINGH)
dinesh	JUDGE
Whether speaking/reasoned	Yes
Whether Reportable	No.