

S.No.225

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

CRM-M-17846 of 2022

Date of Decision:05.05.2022

Raghuvir

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Punit Malik, Advocate for the petitioner.
Mr. Munish Sharma, AAG, Haryana.

VIKAS BAHL, J. (Oral)

This is the first petition filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.134 dated 18.03.2022 registered under Sections 148/149/307/427/452/506 IPC and Section 25 of Arms Act, 1959 at Police Station I.M.T. Rohtak.

Learned counsel for the petitioner has submitted that the petitioner is a 72 year old man, who has been falsely implicated in the present case. It is further submitted that the present case is a case of no injury and the only role attributed to the petitioner is that he raised a lalkara and asked his son to get a gun and, thereafter, had gone along with his son to the shop where the complainant is alleged to have hidden himself. It is submitted that it is the son Amit who is allegedly stated to have fired although, no injury was caused to any person. It is further submitted that the petitioner has been falsely implicated in this case on account of the fact that the petitioner and his son Amit are the witnesses in FIR No.42 dated 06.02.2021, registered under Sections 302, 307, 120-B IPC and Sections 25/54/59 of Arms Act, which was registered on account of the

other son of the petitioner being murdered. It is also submitted that the complainant party had gone to the shop of the accused in the said case as they all belong to the Jaat community and they had killed the son of the petitioner. It has been argued that the earlier FIR, was a case of honor killing. Learned counsel for the petitioner submitted that the petitioner has been in custody since 27.03.2022 and no purpose would be served by keeping the petitioner in further incarceration.

Learned State Counsel has opposed the present petition for grant of anticipatory bail to the petitioner and has submitted that the petitioner had also participated in the offence and had even raised lalkara. The other aspects have not been disputed by the learned State Counsel.

This Court has heard the learned counsel for the parties and perused the paperbook.

The petitioner is a 72 year old person and the present case is a case of no injury. The petitioner has not been attributed with firing shots. It is the case of the petitioner that he has been falsely implicated along with his son on account of them being witnesses in FIR bearing No.42 dated 06.02.2021, which is with respect to the death of the other son of the petitioner. The said aspect would be considered at the time of trial.

Keeping in view the above-said facts and circumstances moreso, the fact that the petitioner has been in custody since 27.03.2022 and no useful purpose would be served by keeping him in further custody, the present petition for grant of regular bail is allowed subject to the petitioner furnishing personal and surety bonds of a local surety before the Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned and also

subject to his not tampering with prosecution evidence and his not influencing prosecution witnesses and also subject to the petitioner appearing before the Trial Court on each and every date except on the date when his personal appearance is exempted and also subject to his not being required in any other case.

It is made clear that in case the petitioner violates the abovesaid conditions or indulges in any criminal activity again, then it would be open to the State to move an application for cancellation of the present bail order.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

May 05, 2022
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(VIKAS BAHL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No