

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-24181-2021 (O&M)
Date of Decision:-14.9.2022

Aarif ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Nafeesh Ahmed, Advocate for
Mr. Imran, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Baljeet.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.314 dated 11.11.2019 at Police Station I.M.T. Rohtak, District Rohtak under Section 25 of Arms Act and Sections 186, 307, 336, 353, 379, 411 and 427 of Indian Penal Code.
2. As per the case of prosecution, on 11.11.2019 ASI Nafe Singh received telephonic information to the effect that a truck bearing registration No.HR-47C-5397, in which two persons were sitting had been signaled to stop but upon noticing the police party the driver sped away the truck towards Rohtak and that it appeared that the truck in question had been stolen. Upon

receiving the said information barricading was held near T-point. When the truck bearing registration No.HR-47C-5397 was noticed coming from the side of Sampla, the same was signaled to stop, but the truck driver instead of stopping the truck tried to run over the ASI and other members of the police party with an intention to kill them and the person sitting on the conductor side fired upon the police party. The ASI and the police personnel, however, managed to escape by jumping away from the road. The truck in question was chased by the police. The truck hit against a Ritz Car bearing registration No.HR-12U-6626 and also against cycle of one Ram Niwas and damaged the house of Ajit Singh as well as Baleno Car bearing registration No.HR-95-7729, which was parked inside the house. The police was able to nab the occupants of the truck, who disclosed their names as Aarif being the driver and Mustkeem being the conductor. It is further the case of prosecution that Mustkeem was found to be carrying a country made pistol alongwith live cartridge.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that even if the allegations as levelled in the FIR are taken to be correct, the petitioner was merely driving the truck and it is the co-accused Mustkeem, who had fired from his country made pistol at the police party. It has been submitted that since co-accused Mustkeem has been granted bail by this Court vide order dated 24.2.2021 (Annexure P-3), the petitioner deserves the same concession on ground of parity.
4. Opposing the petition, learned State counsel has submitted that since the petitioner was caught red handed at the spot while driving the truck alongwith co-accused Mustkeem and had made a murderous assault on the

police party and had caused damage to various cars and a house, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last 2 years and 10 months and that the petitioner stands involved in 4 more cases. It has further been informed that till date no PW out of the cited 16 PWs has been examined.

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner was driving the truck, who tried to run over the police party and had rammed into two cars. However, having regard to the facts and circumstances of the case where none was found to be injured and while also noticing that the co-accused Mustkeem, who is alleged to have fired from country made pistol, has already been granted bail and that as on date the petitioner has been behind bars for a substantial period of 2 years and 10 months, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to consume time inasmuch as none out of the cited 16 PWs has been examined so far. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

14.9.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No