

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

**CRM-M-23080 of 2022(O&M)
Date of Decision: 07.12.2022**

Jamil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr.V.K. Gupta, Advocate
For the petitioner.**

Mr. Vishal Kashyap, AAG Haryana.

**Mr. Mazlish Khan, Advocate
For the complainant.**

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 170 dated 01.04.2016, registered under Sections 148, 149, 201, 323, 324, 384, 307, 302 and 506 IPC and Section 25 of Arms Act at Police Station Punhana, District Nuh.

The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and is in custody for the last more than 01 year and 06 months and that it will take considerable time for the trial to conclude. The counsel for the petitioner further submits that no fatal injury is attributed to the petitioner who is alleged to be armed with gun. The counsel for the petitioner further submits that co-accused Junaid was granted regular bail by this Court vide order dated 29.10.2018 (Annexure P-2) and co-accused Iliyas, Sapat, Imran, Aarif, Mubarik, Riyajuddin, Ikram, Abbas

Khan, Javed @ Jabir, Sakir and Rahish are also granted regular bail by the

learned trial Court vide orders (Annexures P-3 to P-13). The counsel for the petitioner made prayer that the petitioner is also entitled to grant of regular bail.

The present petition is contested by the State counsel, who filed status report by way of an affidavit of Shamsher Singh, Deputy Superintendent of Police, Punhana, District Nuh Mewat on behalf of the State along with custody certificate (Annexure R-1).

The State counsel and the counsel appearing on behalf of the complainant have contended that there are specific allegations against the present petitioner that he was armed with gun and he caused gunshot injury in the chest of complainant Saddam. It is further contended that the petitioner is also involved in number of other criminal cases whose detail is given in the custody certificate. The State counsel also apprised the Court that the petitioner was arrested on 20.03.2021 and firearm was recovered, which was used by him in the commission of crime. The State counsel has further submitted that large number of persons constituted unlawful assembly and attacked the complainant and other persons on account of which Jakir Hussain died while complainant sustained gunshot injuries. The State counsel has further submitted that the trial is going on and at this stage no ground is made out to grant bail to the petitioner.

I have considered the submissions made by counsel for the parties.

As per the allegations in the FIR 43 persons named in the FIR accompanied with 10-15 persons attacked the complainant and other persons and they were armed with different weapons and firearms and the present petitioner caused firearm injury in the chest of the complainant and one Jakir

also sustained injuries during the occurrence, on account of which he later on died. It is *prima facie* established that the petitioner used firearm which resulted in injury in the chest of the complainant and later on the said firearm was recovered at the instance of the petitioner. At present the trial is going on and complainant and some other witnesses are examined during the trial. The copy of the testimony of the complainant is produced which is taken on record. Even in the said testimony there are specific allegations that the petitioner caused firearm injury to the complainant. Further, the petitioner is also facing one another case under Section 307 IPC.

The FIR in this case was registered in 2016 and thereafter the petitioner absconded and was arrested on 20.03.2021. So, there are chances that if released on bail the petitioner may again abscond.

In the light of the above, as serious allegations are appearing on record against the petitioner and he is facing murder charges with the aid of Section 149 IPC and used firearm resulting in injury to the complainant, I am of the view that the petitioner is not entitled to any parity with co-accused who are released on bail vide orders Annexures P-2 to P-13.

Consequently, the present petition is hereby dismissed being devoid of any merits. However, any observations made hereinabove are not to be considered as expression of opinion on the merits of the case.

07.12.2022
Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No