

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

106+213

(Through Video Conferencing)

CRM-M-40522-2021 (O&M)

Date of decision: 04.02.2022

Amit Malik

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Singh Jattan, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-3376-2022

Prayer in the instant application is for placing on record the statements of prosecution witnesses (PW1 to PW6) as Annexures A-1 to A-6 respectively.

For the reasons mentioned in the application, the same is allowed and the statements of the prosecution witnesses (PW1 to PW6) are taken on record as Annexures A-1 to A-6, subject to all just exceptions.

CRM-M-40522-2021

This is the third petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.129 dated 22.06.2020 lodged under Sections 148, 149, 323, 325, 452 and 307 IPC and Sections 25 and 27 of Arms Act, 1959 registered at Police Station Chhappar, District Yamuna Nagar .

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case in hand on account of

village politics. It has also been submitted that there was no corroborative evidence with respect to the injuries received by the complainant party at the hands of the petitioner who was allegedly carrying a revolver at the time of the occurrence in question.

On a pointed query put to the learned counsel for the petitioner as to what was the material change in circumstances which would warrant entertaining a third petition under Section 439 Cr.P.C., he has submitted that similarly situated co-accused namely Rinku had been extended the concession of bail vide order dated 19.03.2021 (Annexure P-4) by the learned trial Court. Learned counsel submits that the false implication of the petitioner is further evident from the fact that all the material witnesses including the injured witness while stepping into the witness box did not support the case of the prosecution as a result of which they were declared hostile.

Per contra, learned State counsel on instructions from ASI Chunni Lal, has vehemently opposed the prayer and submissions made by the counsel opposite. At the very outset, it has been submitted that the case of the petitioner is not at par with that of co-accused Rinku, who was granted the concession of bail by the learned trial Court vide order dated 19.03.2021. Learned State counsel has submitted on instructions that the petitioner was a man of criminal antecedents and a history sheeter. He was involved in as many as 10 criminal cases including for offence under Section 392 IPC. It has been further submitted that the petitioner stood convicted in 3 criminal cases and was facing trial in 4 other cases. Learned State counsel has also submitted that during the pendency of some criminal cases, the

petitioner had absconded and hence he was facing trial for offence under Section 174 A IPC as well. Learned State counsel thus submits that in the wake of the petitioner's antecedents, he be not extended the concession of bail as there is every likelihood that he could yet again abscond.

Learned State counsel has still further submitted that no doubt the material witnesses including the injured witness Ravinder @ Kallu did not support the case of the prosecution but it was evident that the witnesses had turned hostile for reasons but obvious and the criminal antecedents of the petitioner could have played a major role in the witnesses turning turtle. Learned State counsel while inviting the attention of this Court to the contents of the FIR annexed with the petition, which was registered promptly, submits that the petitioner was not only named but there was specific attribution qua him that he along with the co-accused fired upon the complainant and others from the revolver which he was carrying with him as a result of which fire arm injuries were sustained by the injured-complainant as well as Shyam Singh on his thigh. Learned State counsel submits that despite there being corroborative medical evidence on record, the injured-complainant came up with an unbelievable story that he had sustained the injuries after following on the cot and chairs. It has also been submitted by learned State counsel that since the previous two petitions were dismissed by this Court on merits and there was no material change in circumstances subsequent to the dismissal of the previous petition, the instant petition deserved to be dismissed on this ground itself.

I have heard learned counsel for the parties and perused the material placed on record.

In view of the facts and circumstances as enumerated hereinabove and in particular, considering the criminal antecedents of the petitioner, this Court does not deem it fit to extend the concession of bail to the petitioner as there is every likelihood that he could abscond during the trial.

Dismissed.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

04.02.2022

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No