

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

221

CRM-M-42357 of 2022

Date of Decision:20.09.2022

Pankaj

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Surinder Singh Duhan, Advocate,
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.275 dated 21.12.2019, under Sections 186, 307, 353, 34 of the IPC and Section 25, 54, 59 of the Arms Act, registered at Police Station Sector 13/17, Panipat, District Panipat.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 26.12.2019 which is almost two years and nine months. He has submitted that the charges in the present case have been framed on 16.09.2021 and more than one year has elapsed, but no prosecution witness has been examined so far. He further submitted that the present case is a case of false implication by the police officials against the petitioner. He submitted that in fact there are six more cases pending against the petitioner shows that the police has

enmity with the petitioner and due to this reason, the present petitioner was caught by the police and thereafter the present FIR has been lodged against the petitioner. He submitted that from the perusal of the FIR, it shows that the police received wrong information that they saw three young boys standing near the culvert and when the police officials alighted from the police vehicle then one of the boys fired from the weapon in his hand which hit the window of the vehicle and thereafter the police party fired on the foot of the petitioner who fell down and the other two co-accused fled away. The learned counsel for the petitioner submitted that the entire story is a concocted story particularly in view of the fact that even when the challan was presented, there is nothing to show that the police vehicle was ever got examined from any mechanic and no such material or document has been attached alongwith the challan which shows that it was a staged show. He further submitted that apart from the same, more than one year has elapsed and in the present case all the witnesses are official witnesses and none of them have come forward to depose in the witness box and there is no justification for the same, which shows that it is a case of false implication.

On the other hand, Mr. Naveen Singh Panwar, learned DAG, Haryana has submitted that it is correct that the petitioner is in custody from 26.12.2019 and one year has elapsed and no prosecution witness has been examined in the present case and almost all the witnesses are the official witnesses. He also referred to the copy of the challan which was supplied to the learned State counsel by the learned counsel for the petitioner during the course of pleadings and stated that from the perusal of the same would show that no document pertaining to the mechanical report etc. of the police vehicle has been attached alongwith the challan.

I have heard the learned counsel for the parties.

The petitioner has already faced incarceration for about 2 years and 9 months. The arguments raised by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case especially in view of the fact that there is nothing in the challan to show that any report was obtained from mechanic with regard to the damaging of the police vehicle, cannot be ignored. No justification has come forward from the side of the State regarding the reason as to why no mechanical report has been attached alongwith the challan and as to why more than one year elapsed after framing of the charges that no prosecution witness has been examined despite the fact that all the witnesses are the official witnesses.

In view of the aforesaid facts and circumstance of the case, it is a fit case where the petitioner deserves the concession of grant of regular bail. Therefore, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

September 20, 2022

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