

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47891-2022
Date of Decision: 21.10.2022

Chhinderpal

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Paras Jagga, 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. 53 dated 12.02.2022, under Sections 323, 324, 307, 326, 341, 506, 120-B, 34 IPC and Sections 25(B) (a)/54/59 and 25(1-B) (a) of Arms Act, registered at Police Station Agroha, District Hisar.

It has been submitted by the learned counsel for the petitioner that the petitioner has been falsely implicated in the present case and has referred to Annexure P-2 and P-3 which are two X-ray reports to show that on 12.02.2022 when the alleged occurrence took place no injury was seen on the leg or any other part of the body, whereas vide Annexure P-2 some injuries have been shown by way of a supplementary opinion. He further submitted that the petitioner has been falsely implicated and even otherwise

also, the offence qua Section 307 IPC is not maintainable against the petitioner since even as per the FIR, the injury by arms was done by the other co-accused namely Vikas. He further submitted that the petitioner is in custody from 08.04.2022 and therefore, he may be considered for the grant of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that although it is correct that the petitioner is in custody from 08.04.2022 but it is a case where four persons collectively attacked the complainant who was coming on a tractor and the other co-accused namely Vikas had given a gun shot injury, whereas all the other three co-accused including the present petitioner had given blows by way of sword etc. on various parts of the body including head, hands and legs. He further submitted that the entire incident has been captured in the CCTV Camera wherein the presence of the petitioner was seen. He further submitted that the petitioner is a habitual offender and is involved in seven more cases of similar nature and, therefore, has vehemently opposed the grant of regular bail. He further submitted that there is a strong apprehension that in case the petitioner is released on bail, then he may not only abscond from justice but he may also repeat the offence and may influence the witnesses since as of date no witness has been examined.

I have heard the learned counsel for the parties.

The petitioner is in custody from 08.04.2022 but as per the learned State counsel the alleged incident was captured in CCTV Camera where the presence of the petitioner was seen. The petitioner is stated to be a habitual offender and is involved in seven more cases of similar nature and no witness has been examined till date. The strong apprehension expressed

by the learned Deputy Advocate General, Haryana that considering the seriousness and gravity of the offence and also the antecedents of the petitioner, he may repeat the offence and may even influence the witnesses cannot be ignored and does carry weight.

In view of the aforesaid facts and circumstances, this Court does not deem it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is hereby dismissed.

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

21.10.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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