

209

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

CRM-M-4763-2023

Date of Decision: 11.08.2023

Sanjeet

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. H.P.S. Ishar, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.85, dated 13.04.2021, under Section 307 & 34 IPC and Section 25 of the Arms Act registered at Police Station Bahu Akbarpur, District Rohtak.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody since 11.05.2021 and investigation of the case has already been completed and thereafter, the charges were framed on 13.09.2022 but no witness has been examined till date. He further submitted that the petitioner has been falsely implicated in the present case and there is delay in the trial and therefore, he may be considered for the grant of regular bail. He also submitted that although the petitioner is involved in five more cases but the same cannot become a ground for denial of bail as he is already

on bail in all those cases.

3. On the other hand, Ms. Harpreet Kaur, learned AAG, Haryana has submitted that it is correct that the petitioner is in custody since 11.05.2021 but she has opposed the grant of regular bail to the petitioner on the ground that the petitioner is a habitual offender and he is involved in five more cases and all those cases are pertaining to Arms Act. She further submitted that in the present case, petitioner along with another co-accused, namely, Ashish had fired from their pistols upon the complainant and even as per the FIR, it hit the head, stomach and right thigh of the injured. She also submitted that a reply has been filed by the DSP, Meham District Rohtak and a copy thereof has already been supplied to the learned counsel for the petitioner. While referring to the same, she submitted that after the petitioner was arrested in the present case, he got demarcated the place of occurrence and there was recovery of a pistol from the co-accused, namely, Ashish and she further submitted on instructions from the officer, who is present in Court today that the other co-accused from whom there was recovery of a pistol is also involved in number of cases like that of the present petitioner and in fact they formed a gang by using illegal fire-arm and the pistol recovered was also sent to the FSL and it was found that the products of combustion of smokeless powder were detected from the barrel of country made pistol and its firing mechanism was found in working order. She further submitted that it is a case where the petitioner is repeatedly committing the offence and there is a likelihood that in case the petitioner is released on bail then he may repeat the offence and may abscond from justice. She also submitted that it is a case where the victim was fired upon

CRM-M-4763-2023

and there is a direct role attributable to the petitioner by name in the FIR. She further submitted that since the complainant has not been examined till date, the petitioner does not deserves the concession of regular bail.

4. I have heard the learned counsels for the parties.

5. The petitioner is stated to be in custody since 11.05.2021. However, an acute apprehension has been expressed by the learned State Counsel that considering the fact that there is a direct role attributable to the petitioner and he has been specifically named in the FIR wherein the allegations were that the petitioner and the other co-accused had fired upon the injured which hit on his head, stomach and right thigh and has expressed the apprehension that in case the petitioner is released on bail then he may repeat the offence or may abscond from justice considering the fact that the petition is involved in five more cases under the Arms Act, this Court is of the view that the apprehension expressed by the learned State counsel cannot be ignored and does carry weight. Apart from the above, since the complainant has not been examined till date, this Court does not deem it fit and proper to grant regular bail to the petitioner.

6. Consequently, finding no merit in the present petition, the same is hereby dismissed at this stage.

7. 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.

11.08.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No