

CRM-M-17211-2023

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2023:PHHC:061352

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

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CRM-M-17211-2023

DECIDED ON: 29.04.2023

Kaushal

.....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr.Manish Soni, Advocate, for the petitioner.
Mr. R.S.Nain, DAG, Haryana.

GURBIR SINGH, J

Prayer in this petition is for grant of regular bail under Section 439 Cr.P.C to the petitioner in case bearing FIR No.401 dated 04.12.2021, under Section 307, 353,186 and 34 IPC and 25/29 of Arms Act, 1959, registered at Police Station Dharuhera, District Rewari.

Case in question was registered on the written complaint of SI Mukesh CIA, Farrukhnagar, Gurugram that on 04.12.2021, he along with other police officials was present in the area of Police Station Pataudi on account of search of named accused and vehicles. A secret informer had informed that the above named accused was going in black colour Scorpio car which was also being traced departed from village Hedahedi. Upon this, they started chasing the said car that entered village Budana (Rewari). On entering the village Budana, it was found that the said vehicle was parked in front of the Mandir. Complainant along with

other police officials got down from the car and saw that Kaushal was sitting on driver seat and one boy was sitting on the side seat of the driver seat. Kaushal suddenly started the vehicle and tried to hit police officials directly. Constable Joginder, who was having danda in his hand gave a danda blow on the wind screen of the Scorpio vehicle. In the meantime, Kaushal, while sitting on the driver seat fired a shot. In defence, HC Pardeep fired a shot from his official pistol from the conductor side of the Scorpio, which hit on the shin by touching his left leg. On hitting the bullet, Kaushal put down his weapon and he was apprehended by him and other police officials. The pistol which was fallen down in the vehicle was found to be having six live cartridges. Same was taken into possession. The person who was sitting on the driver side told his name as Kaushal, who was already known to the police, while the other disclosed his name as Anil @ Monu.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated and he is in custody since 04.12.2021. The co-accused Anil @ Monu has already been granted bail by the learned Additioinal Sessions Judge vide order dated 07.07.2022. The petitioner had suffered gunshot injuries. The police had fired at him. Copy of the MLR is Ex.P2, where it is shown that examination was conducted at 04:48 pm. Even FIR number is also given in the MLR but in the copy of FIR (Annexure P-1) the information was shown received in the Police Station on 06:20 pm. No police official was injured. Completion of trial will take long time. Petitioner has already been granted bail by the

learned trial Court vide order dated 20.03.2023 in another case registered against him.

Learned State counsel has opposed the petition. It is submitted that petitioner had attacked the police party and fired at them. As per custody certificate since he is involved in six other cases, therefore, is not entitled for bail. It is conceded that he is in custody since 04.12.2021.

Heard.

Petitioner is in custody in this case since 04.12.2021. Petitioner himself suffered gun shot injuries. It is not a case where any police official suffered any injury. In the MLR itself number of FIR is written whereas in the FIR (Annexure P-1), the date of receipt of information is shown as 06:20 pm. The merit of the case is not to be seen at this stage and completion of trial will also take a long time. Pendency of other cases is no ground to refuse the concession of bail.

Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail, on his furnishing personal bond with surety bonds of the same amount of two local sureties to the satisfaction of learned trial Court/Duty Magistrate, concerned; with further condition that the petitioner shall get his mobile phone registered on CIS for the purpose of receiving messages and the said number shall not be changed during the pendency of the trial without permission of the trial Court. In case, the petitioner commits default, the prosecution is free to move an application for cancellation of bail.

However, nothing contained herein above shall be construed
as an expression of opinion on the merits of the case.

29.04.2023
mamta

(GURBIR SINGH)
JUDGE

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