

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.212

Case No. : CRM-M-22025-2023

Date of Decision : July 31, 2023

|                           |      |            |
|---------------------------|------|------------|
| Digamber @ Digamber Singh | .... | Petitioner |
| vs.                       |      |            |
| State of Haryana          | .... | Respondent |

**CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.**

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Present : Mr. Amit Choudhary, Advocate  
for the petitioner.

Ms. Nidhi Garg, AAG, Haryana.

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**GURBIR SINGH, J. :**

1. Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.218 dated 27.05.2022, under Sections 148, 149, 186, 307, 353, 379-B, 506 IPC, 1860 and Sections 25-54-59 of the Arms Act, 1959, registered at Police Station Chand Hut, District Palwal.
2. The case in question was registered on the allegations that on 27.05.2022, the police party was on patrolling duty. One tractor trolley loaded with sand of Jamuna was seen coming. On signal to stop, the driver of the said tractor trolley drove his vehicle negligently towards them at high speed with intention to kill the police party. The police officials saved their lives by jumping here and there. The loaded tractor trolley with sand was driven away by the driver, in empty field. The police party followed him.

The tractor trolley stuck in the field and the driver ran away leaving the same in the field. On checking, the said tractor trolley was found without any papers. The same was impounded under the Motor Vehicle Act and when the same was being taken to the Police Station, in the meanwhile, 15-20 young boys armed with *danda* and illegal weapons, in pursuance of their common intention, came there and one of them, who was armed with country-made pistol, shouted that police party be taught a lesson for having impounded the sand filled tractor trolley and they be killed. He fired at the police party with intention to kill them but the complainant had a narrow escape. The other persons also attacked the police party. When they were running for their safety, one of the assailants caught hold of EASI Fajjar Khan, torn his uniform and gave him fist blows. They also snatched away the impounded tractor trolley from the police party, threatening them if they came near tractor trolley, they would be killed.

3. Learned counsel for the petitioner submits that the petitioner is in custody since 04.09.2022. Challan is already presented. As per prosecution version, the petitioner was not armed with any fire arm. The allegations against the petitioner are of slapping and tearing the uniform of police official. The said allegations are false. The completion of trial will take a long time. So, the petitioner be released on bail.

4. Status Report on behalf of respondent-State has already been placed on record. Learned State counsel, while referring to the Status Report, has opposed the bail petition. She has submitted that the petitioner was a member of unlawful assembly. The crime in question was committed in pursuance of the common object of the said unlawful assembly. She has

fairly submitted that the petitioner surrendered before the Court of Illaqa Magistrate on 03.09.2022 and thereafter, he was formally arrested. Keeping in view the role attributed to the petitioner, he is not entitled for bail.

5. Heard.
6. The petitioner has been in custody in this case since 04.09.2022. The challan in this case has already been presented. As per version of the prosecution, the petitioner was not armed with any fire arm. Culpability of the petitioner shall be decided during trial of the case.
7. In view of the aforesaid facts and circumstances of the case, since completion of trial will take a long time, no useful purpose would be served by keeping the petitioner behind bars for a long time.
8. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate concerned.
9. However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.
10. Pending applications, if any, shall stand disposed of along with the present petition.

July 31, 2023  
monika

(GURBIR SINGH)  
JUDGE

|                             |         |
|-----------------------------|---------|
| Whether speaking/reasoned ? | Yes/No. |
| Whether reportable ?        | Yes/No. |