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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37219-2022
Date of decision: 18.10.2023

SACHIN CHHIKARA ALIAS CHEENA

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Bhanu Udai, Advocate for
Mr. Vikas Gulia, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. 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.257 dated 18.03.2021, under Sections 120-B, 148, 149, 302, 452 of the IPC (Section 201 of the IPC added later on) and Sections 25, 27 and 59 of Arms Act, registered at Police Station Kharkhoda, District Sonipat, Haryana.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody for 2 years, 3 months and 16 days and out of total cited 64 prosecution witnesses only 16 witnesses have been examined. He further submitted that the petitioner was not named in the FIR but was nominated later on and he has been falsely implicated in the present case and also the

complainant has not identified the petitioner. He also submitted that considering the custody of the petitioner, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Vishal Kashyap, DAG, Haryana submitted that so far as the custody of the petitioner is concerned, the same is correct but the petitioner does not deserve the concession of bail because it is a case where as per the allegations, when the complainant along with her husband were present at their home they heard a voice coming from the gate and when the husband of the complainant opened the door, he saw 8-10 persons were standing outside the gate and they came inside abruptly and fired upon her husband. Then all the aforesaid 8-10 persons came inside the room where her husband had entered due to fear and aforesaid persons fired bullets which hit her husband on the shoulder, abdomen, chest and other organs. He further submitted that some of the names of the aforesaid persons have been mentioned in the FIR but although the name of the petitioner is not mentioned in the FIR but during the investigation, it was found that the petitioner was also present at the spot and after he committed the offence by way of firing from the pistol, he handed over the pistol to one of the co-accused, namely, Monu Laheri, who is the co-accused from whom the recovery was made. He further submitted that the petitioner is a habitual offender and he is involved in four more cases of similar nature and there is every apprehension that in case the petitioner is released on bail then he may not only repeat the offence but may also abscond from justice and influence the remaining witnesses who are yet to be examined. He also submitted that considering the gravity of the offence, the petitioner is not entitled for the grant of regular bail.

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

5. It is a case where although the petitioner has faced incarceration for 2 years, 3 months and 16 days but now 16 prosecution witnesses have already been examined. The petitioner is stated to be involved in four more cases of similar nature and the allegations against the petitioner are undoubtedly serious since as per the learned State counsel, he was involved in the said offence by firing from the pistol, which he handed over to the aforesaid co-accused, namely, Monu Laheri, subsequently from whom there was recovery of the pistol.

6. After hearing learned counsel for the parties, this Court is of the considered view that considering the gravity and seriousness of the offence, the petitioner does not deserve the concession of regular bail.

7. Consequently, the present petition is hereby dismissed.

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

18.10.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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