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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-59234-2023
Date of Decision: 30.11.2023

Ankit Malik

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vishal Sharda, 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 grant of regular bail to the petitioner in case bearing FIR No.112 dated 17.05.2023, under Sections 148, 149, 307, 323 IPC and Section 25 of the Arms Act, 1959 (Section 325 IPC added later on), registered at Police Station PGIMS Rohtak, District Rohtak.

2. It has been submitted by learned counsel for the petitioner that it is a case where the petitioner although named in the FIR, but he has been falsely implicated. He further submitted that as per the prosecution story, the petitioner called the injured at Delhi Bypass and thereafter, the allegations are with regard to firing from a pistol in the abdomen of the injured. He also submitted that the pistol belongs to the father of the petitioner which has been planted in the present case and it was not in a working condition even

as per the FSL report, and therefore, the entire story has been concocted to falsely implicate the petitioner. He further submitted that the petitioner has clean antecedents and is not involved in any other case except in one case under Section 323 IPC. He also submitted that the investigation of the case has already been completed and the trial of the case may take long time and therefore, the petitioner may be considered for grant of regular bail.

3. On the other hand, Mr. Vishal Kashyap, learned DAG, Haryana submitted that the allegations against the petitioner are serious because he had fired from a licensed pistol of his father upon the injured. He further submitted that the charges are yet to be framed in the present case.

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

5. As per the learned counsel for the petitioner, according to the FSL report, the pistol, which was seized, was not in a working condition. The recovered pistol which belongs to the father of the petitioner is a licensed pistol. The investigation of the case has already been completed and the trial of the case may take long time. The mere fact that the petitioner is involved in one more case cannot become a ground for denial of bail. Therefore, considering the aforesaid totality of the circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioner.

6. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

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.

30.11.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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