



CRM-M-7699-2024

-1-

**213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-7699-2024
Decided on : 20.08.2024

Kuldeep Singh @ Kali

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Sukhveer Singh Killianwali, Advocate
for the petitioner.

Mrs. Trishanjli Sharma, DAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.51 dated 31.01.2023 under Sections 397 IPC and Sections 25/54/59 of Arms Act registered at Police Station Sadar Fatehabad District Fatehabad.

2. Learned counsel for the petitioner asserts that the petitioner has been falsely implicated in the instant case, which is evident from the fact that he was not named in the FIR in question, which has been annexed as Annexure P-1. It has been further submitted that a perusal of the FIR reveals that the petitioner has not been accused of causing any injury to the complainant. Instead as per the case of the prosecution itself, the cab of the complainant was booked by co-accused Jivtesh, and the firearm injury has been



CRM-M-7699-2024

-2-

attributed to another accused Tarandeep @ Ladi. It has been further argued that since the investigation is complete and charges yet to be framed, further incarceration of the petitioner would serve no useful purpose especially considering that the trial is likely to take a considerable amount of time to conclude and also that the petitioner has now been in custody since 28.02.2023.

3. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by learned counsel for the petitioner by reiterating the following allegations outlined in the FIR:

“stated that I am resident of above mentioned address that I runs taxi in Ola Cab at Delhi and vehicle make swift desire bearing registration No.DL1-ZA-9672 of white color in the name of his brother Arshad. On dated:30.01.2023 at about 5:30PM, he received a call on his mobile No.79049-49240 for booking for Sirsa (Haryana). Thereafter, coming at flyover on Nizamudeen, Delhi three boys sat in his vehicle and after taking them I started for Sirsa. At about 10:00PM, when we reached a head of Fatehabad towards Sirsa, one of the boys asks to answer the calls of nature and I stop my vehicle near village Karnoli, by the side of road. One of the boy came out of the Car to answer the call of nature and I also got down from the Car for urination. The boy got down from the Car earlier to me, sat on the driver seat earlier to me and started driving the Car, however, I caught the steering of the Car upon which the boy seating on rarer seat fired shot on my shoulder due to which I fell down. Then the boy setting in the Car after



coming out of the Car on pistol point took out Rs.3000/- from his pocket and also snatched my mobile phone and fled away. I was got admitted Govt. Hospital, Fatehabad through an Ambulance and their doctor started my treatment and I prayed to take legal action against unknown three boys snatched my Car after hurting me and recovered my Car and Rs.3000/- and my phone from them. Statement is recorded to you and the same heard and correct. Sd/-”

Learned State counsel has contended that no doubt, the petitioner was not named in the FIR in question, however, it could not have been possible for the complainant to know the name of the alleged assailants as they were strangers, who had just hired his cab. It has been further contended that the petitioner in concert with the co-accused, committed a heinous offence by robbing the complainant of not only his money but even his cab using deadly weapons. Furthermore, it has been argued that the petitioner is a habitual offender, who is involved in four other criminal cases, and that the present crime was committed while he was out on bail in those cases. Learned State counsel has maintained that this clearly demonstrates the misuse by the petitioner of the concession of bail, which had been given to him in the other criminal cases pending against the petitioner, and given his criminal antecedents, there is a strong likelihood that he may abscond during the trial, attempt to intimidate witnesses, or engage in further illegal activities.

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



the material placed on record.

5. *Prima facie*, the petitioner is accused of serious and grave offence. Allegedly, the petitioner along with his accomplices not only snatched money and the mobile handset of the complainant but it was the petitioner, who after committing the dacoity along with the co-accused drove away the cab of the complainant at pistol point. In the occurrence in question, one of the co-accused also fired towards complainant, as a result of which, he sustained firearm injury, which finds due corroboration with the medical evidence on record. This Court cannot also a loose sight of the involvement of the petitioner in four other criminal cases. Since the material witness i.e. complainant, is yet to be examined, this Court does not deem it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition stands dismissed.

6. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

20.08.2024
sonia

(MANJARI NEHRU KAUL)
JUDGE

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