



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

229

CRM-M-26685-2024

Date of decision : 29.05.2024

Shivjeet Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Mayank Goyal, Advocate and
Mr. Mukul Gupta, Advocate for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

1. This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.28 dated 14.01.2022 registered for the offences punishable under Sections 25/54/59 of the Arms Act, 1959 and Sections 307 and 343 of the Indian Penal Code, 1860 (Sections 195 and 120-B IPC added later on), at Police Station City Mandi Dabwali, District Sirsa.

2. As per the FIR, it has been alleged as under:-

“To The Station House Officer, Police Station Dabwali. Sir, It is submitted that Iqbal Khan son of Leelakhan, am resident of Lambi, Police Station Lambi, Punjab. Today I alongwith my car No.HR51AS-5604, which was being driven by Gurmit Singh son of Darshan Singh, caste Majbi Sikh, resident of Sibia, I between 04.30 to 5.00 after attending the meeting of Muslim brotherhood at Amarpura Basti, Bathinda had gone to Shergarh at my Muslim brotherhood. After that I and Gurmit Singh were going to meet my BUA Veera wife of Makhan, resident of village Lakhuana. When we reached in between the way, from behind a motorcycle was seen coming. When we slowed down speed of the car, the motorcyclist also slowed down the speed. We after driving our car at some fast speed, after going at a far distance had stopped the same. At the same



time, it was about 07.00. We both went in the mustard field to urinate. In the meantime, from behind we heard noise of two fires on our car. We were in the mustard field, therefore, we were saved. They fired on us with intention to kill us, which was hit on the front window. Then we went further in the mustard field. Then my driver had dialed at No. 100 and also made a phone call to Makhan Singh, resident of Lakhuana. The persons of unknown name and address riding on the motorcycle, have fired on my car with intention to kill. Legal action may be taken against them. Applicant Iqbal Khan, Punjabi, Iqbal Khan son of Leelakhan, resident of Lambi, Tehsil Malot, District Muktsar, Mob. No.9056272786. 9417536721. Police action Today I, SI/SHO alongwith HGH Surender Singh No.4481 in Government vehicle No.HR24AA-0111 with its driver Anup Kumar No.1397 was on patrolling and crime checking in the area of the police station, when MHC of Police Station after making a call on my Government Mobile number intimated that from Lambi Punjab a call was received from mobile No.8837614733 on my Government Mobile No.8814011639 that Iqbal Khan, resident of Lambi have been assaulted in between Shergarh and Lakhuana village on the road, on which I, SI/SHO alongwith accompanying official reached at the spot, where Iqbal Khan produced a written application. From the contents of the application, commission of offence under Sections 307/34 IPC and 25/54/59 of the Arms Act is made out. So, the writing is sent to the police station through HGH Surender Singh No.4481 for getting a case registered. After registering the case, FIR number be intimated. 1. alongwith accompanying officials and with complainant proceed to be busy at the spot in conducting the investigation. At- In the area of village Shergarh. Sd Omparkash SI, Station House Officer, Police Station City Dabwali, Dated 14.01.2022 at 10.05 PM. On receipt of writing in the police station through HGH Surender Singh No.4481, after registering FIR No.28 dated 14.01.2022, under Sections 307, 34 IPC, 25/54/59 of the Arms Act in Police Station City Dabwali, special report of the First Information Report of the present case is being sent through Email ID to the concerned officers. Copy of the police file of the present case and original writing are being sent through the coming official at the spot”.

3. Custody certificate has been filed. The same is taken on record.
4. Learned counsel for the petitioner submits that the petitioner was admitted to bail, vide order dated 03.03.2022. Challan was presented on 07.10.2022. The petitioner continued to appear before the trial Court,



however, absented on 17.04.2023. Thereafter, he was arrested on 07.02.2024 and since then, he is behind the bars. He further submits that once the petitioner having been admitted to bail, there is no reason to abscond and the absence was on account of communication gap between the petitioner and his counsel. He further submits that owing of his default on account of absenting from the trial, the petitioner by now has suffered incarceration for more than 03 months and has learnt lesson hard during the period of default. Moreover, there is no allegation that the petitioner tried to tamper with the evidence and thus, he be granted the concession of regular bail.

5. Per contra, learned State counsel submits that the conduct of the petitioner disentitles him from any indulgence and he is facing multiple criminal prosecution and is a hard core criminal and thus, does not deserve for concession of regular bail.

6. I have heard learned counsel for the parties and have gone through the records of the case.

7. Keeping in view the nature of allegations against the petitioner and without commenting on the merits of the case and considering the incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

8. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

29.05.2024
D.Bansal

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No