



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

217

CRM-M-30096-2024 (O&M)
Date of decision: September 3rd, 2024

Ajruddin @ Ajru

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sunil Kumar Pandey, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, Assistant Advocate General,
Haryana.

Mr. Saleem Ahmed, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.225 dated 22.05.2023 under Sections 148, 149, 323, 285, 307, 506, 212 of the IPC and Section 25 of the Arms Act, registered at Police Station Sadar Tauru, District Nuh.

2. Learned counsel for the petitioner submits that he has been falsely implicated in the present case; a perusal of the FIR reveals that no injury has been attributed to the petitioner in the crime in question and the only allegation against him is of having fired in the air with a countrymade weapon. It has also been submitted that all the other accused, who allegedly participated in the occurrence in question, had been extended the concession of bail by this Court as well as the trial Court.

3. On a pointed query put to the learned counsel as to what is the

stage of trial, he has submitted that investigation is complete and challan stands presented.

4. *Per contra*, learned State counsel assisted by learned counsel for the complainant while opposing the prayer and submissions made by the counsel opposite, has submitted that although challan stands presented, however, charges have not yet been framed. It has also been submitted that the complainant party had a providential escape as the shots fired by the petitioner towards the complainant party narrowly missed them. Learned counsel for the State has also placed on record the custody certificate of the petitioner and contended that the petitioner has not approached this Court with clean hands as he has misrepresented his criminal antecedents; it has been falsely averred in the petition that the petitioner has clean antecedents. Rather, the petitioner is a habitual offender and is involved in a number of criminal cases, as is apparent from the custody certificate. Learned counsel has submitted that in the circumstances, there is every likelihood that in case the petitioner is enlarged on bail, he could either abscond or yet again be involved in some other criminal case or even intimidate the witnesses. A prayer has, therefore, been made for dismissal of the instant petition.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. The petitioner has not only been specifically named in the FIR in question but there is a specific attribution that he used a countrymade weapon in the occurrence in question, which narrowly missed his target i.e. the complainant party.

7. In the facts and circumstances, coupled with the fact that the petitioner has not approached this Court with clean hands and also that the material witnesses have not been examined, no ground is made out to extend the concession of bail to him.

8. The instant petition stands dismissed.

9. 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.

September 3rd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No