



CRM-M-35316-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-35316-2024 (O&M)
Date of Decision: 09.12.2024

Farookh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Saurav Bhatia, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG Haryana

KIRTI SINGH, J.(Oral)

The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No.34 dated 01.02.2022, under Sections 332, 353, 186, 307 IPC and Section 25 of Arms Act, registered at Police Station Pinangwa, District Nuh.

2. The contents of the above-mentioned FIR are reproduced herein below :-

“To, The SHO PS City Pinagnwan, Jai Hind. Today I SI alongwith co-employees HC Sanjay Kumar 143, EHC Gajender Singh 518, Constable Mohan 538, Constable Bhupender 561 and Govt. vehicle driver Constable Bhimanayu 458 Vehicle No. HR-27-K-4164 and in the private vehicle ASI Bhupender Singh 66, HC Ashok Kumar, Constable Ajay Kumar 923, Constable Deepak 722 in connection with patrolling and prevention of crime were present at Khooni Canal Shahchokha that special informer came and gave information to I, SI that Farookh son of Idrish resident of Bajidpur who is accused in case FIR No.179/21 u/s 25-54-59 A. Act Police Station Punhana, he is wanted in that case and is a known accused. He is wanted in many



States regarding cutting of ATM machines and he keeps illegal weapons. Today he in vehicle Santro bearing No.HR- 28-D-6673 colour white alongwith his aunt's son Sakir son of Momin resident of Bajidpur and his girl friend Jinnat wife of Mustkeem and Khalida sister of Jinnat, will go from Pinhana to Pinagnwan. If nakabandi is held here then the wanted accused Farookh can be apprehended with the illegal weapon. By believing the information true and authentic, the passerbys were asked to join the raiding party but all the passerbys by showing their helplessness left the spot. I SI informed the co-officials about the information and nakabandi was held. After some time from the side of Punhana one Santro car of white colour was seen coming, and I SI signaled to stop it but the driver of the Santro car hit the car with me SI and other officials with the intention to kill us but I, SI and other officials by taking shelter of the official car saved ourselves and tried to catch Santro car. Then the driver of Santro car with the intention to kill, fired a straight shot at me SI and the person sitting on the conductor seat of the car with the intention to kill, fired a straight shot towards EHC Gajender. EHC Gajender saved himself by bending towards ground. The driver of the Santro by breaking the nakabandi ran towards Pinagnwan. I SI alongwith co-officials chased the Santro car in our Govt. vehicle and private vehicle. Then near the Canal Shahchokha by taking the vehicles ahead and back side of Santro car, apprehended the driver of the Santro and the person sitting on the seat adjoining to driver seat. While apprehending them, both the persons and the women sitting with them in the car raised raula and on hearing the raula 15-20 men and women came at the spot and all of them alongwith the women alighted from the Santro, grappled with the police party, got rescued from the police party one apprehended person who was being called as Farookh. Then ASI Bhupender Singh at the spot fired in air from his official pistol and the crowd was dispersed and saved the police party. On the search of apprehended driver of Santro from the pocket of pant worn by him one desi katta 315 bore was recovered, which was checked after opening it and from the barrel one empty khol was



recovered and on it 8MM KF was written. On asking the person apprehended told his name Sakir son of Momin resident of Bajidpur, P.S. Pinganwan. On measuring the recovered desi katta, the width of barrel came out as 10.5 cm and width of body as 10.5 cm and width of butt as 8.5 cm. On checking the number of the vehicle, number plate of HR-28-D-6673 was written on front and back side. Sketch of desi katta and empty khol were prepared separately and parcel was prepared and the parcel was sealed with seal BS. Desi Katta and empty khol and Santro Car No.HR-28-D-6673 as proof taken in police possession through memo. On the recovery memo signatures of accused and witnesses were taken. Seal after use was handed over to HC Sanjay Kumar 134. The apprehended person on asking told the name who ran away as Farookh son of Idris resident of Bajidpur and the name of girl friend of Farookh as Jinnat wife of Mustkeem resident of Pinganwan and Khalida sister of Jinnat. The apprehended accused Sakir son of Momin resident of Bajidpur and Farookh son of Idris resident of Bajidpur and Jinnat girl friend of Farookh and her sister Khalida and 15-20 other men and women by attacking the police party created hindrance in performance of official duty and Sakir and Farood with the intention to kill fired straight shots at the police party and by breaking the nakabandi have committed offence under section 332, 353, 186, 307 IPC, 25, 54, 59 A. Act. So ruqa is being sent to the police party through Constable Mohan Singh 538 for registration of the case. After registration of the case, its number be intimated. For further investigation the competent investigating officer be sent at the spot. I, SI alongwith other officials is busy at the spot. Today Near Agra Canal Shahchoka. Sd/ Vijaypal SI CIA Staff Taurau dated 01.02.2022 at 06.40 PM. Mobile No.9813895155.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case and no offence is made out against him. It has further been argued that no recovery has been effected from the petitioner and he is in judicial custody since 15.09.2022.



4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. As per the custody certificate, the petitioner has undergone actual custody of 01 year, 02 months and 21 days and there are 12 more cases registered against him. Learned State counsel on instructions from ASI Babu Ram submits that the charges in the present case were framed on 25.11.2024.

5. Heard the rival submissions made by learned counsel for the parties.

6. There are serious allegations against the petitioner as when the police had laid barricades to apprehend the petitioner and co-accused, the petitioner instructed the co-accused Sakir to evade the barricades laid by the police officials by speeding the vehicle and even attempted to hit the police officials present at the spot. The petitioner also fired gunshots towards the police party when the police party was chasing the accused persons. The petitioner remained absconding for more than one and half year and he was arrested in this case when he was arrested by the police in some other case. The petitioner appears to be a habitual offender as he is involved in 12 more cases of similar nature registered in the State of Haryana, Rajasthan and Gujarat.

7. Having regard to overall circumstances as noted above, but without commenting anything further on merits of the case, this Court is not inclined to grant regular bail to the petitioner.

8. The petition is dismissed.

9. Pending application(s), if any, stand disposed of.

09.12.2024
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(KIRTI SINGH)
JUDGE